Religion in the sense of morality, must therefore, remain the governing principle in every society.

Babasaheb Dr. B.R. Ambedkar

(14th April 1891 - 6th December 1956)

SHOUT
SHARE
IT

"The danger is that the frontiers between Pakistan and India that are likely to emerge from the labours of the Boundary Commission, however, satisfactory they may be from the standpoint of the communities immediately affected, will be most unsatisfactory from the point of view of India.

If my fears come true and the boundary drawn by the Commission is not a natural one, it needs no prophet to say that its maintenance will cost the Government of India very dearly and it will put the safety and security of the people of India in great jeopardy. I hope, therefore, that late as it is, the Defence Department will bestir itself and do its duty before it is too late."
—(P. No. 357)

—Dr. B. R. Ambedkar

DR. BABASAHEB AMBEDKAR WRITINGS AND SPEECHES

VOL. 17

PART TWO

DR. B . R. AMBEDKAR AND HIS EGALITARIAN REVOLUTION

PART TWO

SOCIO-POLITICAL, RELIGIOUS ACTIVITIES

DR. BABASAHEB AMBEDKAR
WRITINGS AND SPEECHES
VOL. 17
PART TWO

DR. B.R. AMBEDKAR AND HIS EGALITARIAN REVOLUTION

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SOCIO-POLITICAL, RELIGIOUS ACTIVITIES

Edited by

HARI NARAKE *DR. M. L. KASARE*

N. G. KAMBLE *ASHOK GODGHATE*

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Kumari Selja

सत्यमेव जयते

Minister for Social Justice and Empowerment
& Chairperson, Dr. Ambedkar Foundation

MESSAGE

Babasaheb Dr. B.R. Ambedkar, the Chief Architect of Indian Constitution was a scholar par excellence, a philosopher, a visionary, an emancipator and a true nationalist. He led a number of social movements to secure human rights to the oppressed and depressed sections of the society. He stands as a symbol of struggle for social justice.

The Government of Maharashtra has done a highly commendable work of publication of volumes of unpublished works of Dr. Ambedkar, which have brought out his ideology and philosophy before the Nation and the world.

In pursuance of the recommendations of the Centenary Celebrations Committee of Dr. Ambedkar, constituted under the chairmanship of the then Prime Minister of India, the Dr. Ambedkar Foundation (DAF) was set up for implementation of different schemes, projects and activities for furthering the ideology and message of Dr. Ambedkar among the masses in India as well as abroad.

The DAF took up the work of translation and publication of the Collected Works of Babasaheb Dr. B.R. Ambedkar published by the Government of Maharashtra in English and Marathi into Hindi and other regional languages. I am extremely thankful to the Government of Maharashtra's consent for bringing out the works of Dr. Ambedkar in English also by the Dr. Ambedkar Foundation.

Dr. Ambedkar's writings are as relevant today as were at the time when these were penned. He firmly believed that our political democracy must stand on the base of social democracy which means a way of life which recognizes liberty, equality and fraternity as the principles of life. He emphasized on measuring the progress of a community by the degree of progress which women have achieved. According to him if we want to maintain democracy not merely in form, but also in fact, we must hold fast to constitutional methods of achieving our social and economic objectives. He advocated that in our political, social and economic life, we must have the principle of one man, one vote, one value.

There is a great deal that we can learn from Dr. Ambedkar's ideology and philosophy which would be beneficial to our Nation building endeavor. I am glad that the DAF is taking steps to spread Dr. Ambedkar's ideology and philosophy to an even wider readership.

I would be grateful for any suggestions on publication of works of Babasaheb Dr. Ambedkar.

(Kumari Selja)

Collected Works of Babasaheb Dr. Ambedkar (CWBA)

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VOL. 17
PART TWO

SECTION—I
ARTICLES, MESSAGES, PREFACES ETC.

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1

RELIGION AND PRIEST BE BROUGHT UNDER PROPER CONTROL

By

Dr. B. R. Ambedkar, M. A., Ph. D., D. Sc, Bar-at-Law., M. L. C.

While at Belgaum I heard of the movement started by some of the Parsis in Bombay to found an association, the prime object of which shall be the abolition of priesthood as a caste. The object of such a body has only to be stated for the vast majority of the young educated people of India to accept it with alacrity. I do not feel called upon to discuss the ways of the Parsi Mobeds. But my Parsi friends may rest assure that the Hindu priestly classes stand in no way superior ethically, educationally or otherwise to the average member of the Parsi priesthood.

A Clog on the wheel

The counts in the indictment against the hereditary Hindu priests are numerous and appalling. He is a clog on the wheel of our civilization. Man is born, he weds, becomes the father of a family and then in time dies. All along the priest shadows him like an evil genius. Deviation from draconian rules prescribed by him according to the *Shastras* and *Smritis* of his own making is punished with a terror which 99 per cent are unable to withstand. Ostracism or casting out man from Society is the weapon fashioned by the Devil himself. This the priest wields with ruthless, relentless and inexorable vigour. I must admit the officiating Brahmin is a miserable specimen of humanity as a rule. He knows it just as well as we do. He practises the shame of being a middleman between the unseen powers and the helpless man and makes a living by it. Philosophers may well ask, is this class reprobate at heart ? But whatever be the answer to the question this parasite living upon and eating into the vitals of Society can no longer be permitted to function without check or control. We in India might take a leaf out of the English reformation and bring both the religion and the priest under proper control and prevent its rank and wild growth.

A heroic task

There is also a great necessity for effective legislation against superstitious practices prevalent among the masses. They find their support in the priest. Wasteful offerings to gods and goddesses, long mourning and multiple ceremonies at births, deaths and marriages, insensate caste dinners are some of the senseless and meaningless practices in which the priest delights. Be it an occasion of joy like wedding or sorrow like death, it is equally availed of by the priests, many of whom pray, as one of the Parsi correspondents, has excellently shown, in order to be able to prey on their victims. I say the Catalogue of the evils of priesthood is really appalling. Its final eradication can only be kept in view as an ideal but we cannot start a month too soon in initiating our righteous campaign. I cordially welcome the measures concerted by some of the leading Parsis. It is really surprising how much priest-ridden the Parsi community is. It has been estimated by some Parsi friends that for one year after his death, a dead Parsi is economically a heavier burden on the poor family than a living one. A Parsi newspaper recently gave the instance of a man who while living could hardly afford an aluminium tumbler. But when he died the priest insisted that a silver goblet should be employed in his funeral ceremony. I quote this to show that with their keen practical wisdom the Parsis have very appropriately taken the lead in initiating measures for ridding India of the evil of priest-craft and I have no doubt that all enlightened Hindus, Mahomedans and Christians will join this heroic and noble task of cleansing priestdom, the weight of which they are certainly far less fitted to bear than their Parsi brethren".[1]

●●

[1] The Bombay Chronicle, dated November 8, 1929.

2

THOUGHTS ON THE REFORM OF LEGAL EDUCATION IN THE BOMBAY PRESIDENCY

By

Dr. B. R. Ambedkar, M. A., Ph. D., D. Sc, Bar-at-law., Principal, Government Law College, Bombay.

The Legal Profession in the Presidency of Bombay consists of diverse elements. There is difference of status and there is difference of training. There are six different classes of Legal Practitioners in the Presidency viz ;

1. Barrister-at-Law, 2. Advocates (O. S.), 3. Advocates (A. S.) of the Bombay University, 4. Advocates (A.S.) of the Bar Council, 5. Solicitors, and 6. Mukhtyars, who have the right to practise in the Courts in the Bombay Presidency. The extent of legal training which is required from these six classes of practitioners varies considerably. The Barrister's legal training extends over three years plus one year in Chambers. The Advocate (A.S.) of the Bombay University is a graduate of Bombay University who has had a compulsory training in Law extending over two years in a recognised Institution. Thus, in all he spends six years after his matriculation before he becomes entitled to practise. The Advocate (A.S.) of the Bar Council is, unlike the Advocate (A.S.) of the Bombay University, only a Matriculate and is not required to undergo compulsory training in Law in any recognised Institution and entitled to appear for the Bar Council Examination without any interval being allowed to pass. The Advocate (O.S.) is an LL.B. like the Advocate (A.S.) and he has had altogether five years of legal training. After an interval of two years after taking his LL.B. degree, he appears for the Examination of the Advocate (O.S.). He does not even then become entitled

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College Notes

We, however, note with satisfaction that Mr. Fyzee has handed over charge to no less a person than Dr. Ambedkar. A lawyer of repute, he is a close student of Economics, an authority on Constitutional Law and a personality known throughout India and elsewhere. To write more about him would be otiose. Expecting much from our Principal we shall not embarrass him now. We prefer to wait and see.

to practise unless, in addition, he spends one year reading in the Chambers of a senior practitioner, thus spending altogether nine years from his Matriculation. The Solicitor is required to be either a B. A. or an L.L.B. before he signs Articles with a firm of solicitors. His examination is held three years after he has signed his Articles. His previous training, therefore, is either seven years if he joins the firm as a B. A. or nine years if he joins it as an LL.B. At the lowest rung of the ladder is the Mukhtyar. He need have no training in Law nor is he required to pass any qualifying test. The situation is further complicated by the existence of two other circumstances. First is the existence of different authorities having the right to examine candidates appearing at the Law Examinations. So far as the two classes of Advocates (A.S.) are concerned, there are two different authorities which have the right to examine. One class is examined by the Bombay University and the other by the Bar Council. With regard to the Advocate (O.S.) and the Solicitors, the examining body is the High Court. It must be noted that none of these examining bodies undertakes the responsibility of teaching those whom they examined. The second circumstance which adds to the complexity of the situation is the difference of status among the legal practitioners in the Presidency. The Advocates (O.S.) and the Barristers have the whole field open to them. They can practise in any Court and on either side of the High Court though they can only plead and cannot act. The Advocate (A.S.) is restricted so far as the High Court is concerned to the Appellate Side. But he can plead as well as act. The Solicitor, on the other hand, can practice anywhere and so far as the High Court is concerned, on the Original Side he can only act while on the Appellate Side he can act as well as plead.

That, there should be such a diversity is the matter of qualifications, in the matter of Examinations and in the matter of Status among persons practising the same profession is a very unfortunate fact. But while it may be admitted that all this is very unsatisfactory and even deplorable, I do not think it can be argued that all this constitutes a problem. Because I am not convinced that the system complicated and illogical as it produces any injurious results. That, there are anomalies in the situation is beyond

doubt ; but there are anomalies also in other Departments of Education. To take only two examples, one from the Medical and the other from the Engineering Profession. The University of Bombay has instituted a course of Medical studies on the passing of which a person becomes entitled to the M. B. B. S. Degree. Parallel to it and alongside, there is the L.C.P.S. course conducted by the Government on the completion of which a person becomes entitled to a Diploma. The University of Bombay has prescribed a course of Engineering at the end of which the Degree of B.E. is conferred on the successful candidates. The Victoria Jubilee Technical Institute has also a Course of Engineering at the end of which the student gets a Diploma. Both the person who gets the University Degree as well as the person who gets his Diploma in Medicine or Engineering practise the profession and find employment both under Government and also outside Government. No one complains about this because each class finds a place that is suited to its training. This is exactly what happens in the Legal Profession if one cares to understand the way it functions. The Mykhtyars are confined to Criminal Courts of the lowest order and take up petty cases. The Advocate (A.S.) of the Bar Council who has become an eyesore to many practitioners practise in the Mofussil Courts of Sub-Judges and Sub-Divisional Magistrates in Taluka. It is the Advocate (A.S.) and the Advocate (O.S.) who alone practise in the District Courts and the High Court. Turning our attention to the way in which the profession functions in practice it cannot be said that there is anything very seriously wrong with the system for Legal Education. That the system is complex and asymmetrical is true but mere complexity and absence of symmetry can not be taken to constitute a problem especially when by the law of gravitation so to say each person settles down to the position and the class of work which is but commensurate with his training.

Assuming that there is a problem, it is necessary to make certain distinctions to avoid confusion of the issue. The problem of overcrowding of the Legal Profession must be separated from the problems of legal education. It would be indefensible both from the stand-point of education and also from the stand-point of social justice to frame a scheme of Legal Education on a basis which would make legal profession the preserve of the few. The question

what sort of Legal Education should be given so as to produce an efficient lawyer is a purely educational question and must be settled by the Educationist without being influenced by what might ultimately happens if the number who took to law as a profession was so great that it exceeded the point of saturation. Another distinction which I think must be made is this : the question of Legal Education has no inherent connection with the question whether the Institutions charged with legal instruction should be whole-time or part-time. It is possible to conceive and to frame a system of legal education tolerably good and easily workable with a Law School or a Law College working part-time.

With these preliminary observation, I address myself to the considerations of the problem of reform of legal education. There are four questions that emerge for consideration :–

1. At what stage of his education student should be permitted to commence his study of Laws ?
2. What should be the period for a complete course of legal education ?
3. What subjects should be curriculum for a complete course of legal education include ?
4. How should the Law College be organised so that the curriculum prescribed is dealt with in the most efficient manner ?

Question No. 3 seems to me to be pivotal. On a correct answer to this question depends the solution of the remaining three questions. The best approach to the subject is furnished by the reports made from time to time by the Examiners appointed by the Bombay University at the LL.B. Examination containing the impressions formed by them of the work of candidates. The perusal of these reports will show that the examiners have along emphasised the following defects in the work of the examinees.

1. The absence of any indication of a correct understanding of the fundamental principles underlying the laws which he is required to study.
2. Absence of any grounding in general knowledge.
3. Want of orderly presentment of the subject ?
4. Absence of any sense of relevancy of the answer given to the question asked.
5. Absence of any sense of precision in stating facts, arguments and opinions.

6. Inability to express in clear language what the student has in his mind.

These are undoubtedly very serious defects in a student of Law and something must be done to remove them. How can these defects be removed ? We must first of all understand what these defects are due to. In my opinion these defects are due to two things, viz. a faulty curriculum and a faulty method of instruction.

From the educationist's point of view the study of Law requires a study of certain other auxiliary subjects without which the study of Law alone would be incomplete equipment for the practice of the Profession. What these auxiliary subjects should be will not be difficult to enumerate if we remember that a lawyer must have a legal mind. In the opinion of a keen observer whom Augustine Birrell quotes approvingly in his Obiter Dicta, a legal mind chiefly displays itself by illustrating the obvious, explaining the evident and explatiating on the common place. Disregarding for the moment, the quip conveyed in the observation, I think it contains an important bit of truth in so far as it suggests what the real business of a lawyer is. According to the observation, the business of a lawyer is to argue. So important a part does argument play in a lawyer's business that I am prepared to say that argument is the summum bonum of a lawyer's being. The essential requisites for the development of the argumentative ability are :

a. A knowledge of the individual and how he functions in society.
b. A knowledge of the working of the human mind.
c. A mind trained to drawing logical inferences.

In addition to those fundamental requirements of argumentative ability, there are other requisites, purely ornamental but none-the-less necessary, of grace of language and of orderly presentment. To put it in concrete terms, a lawyer's training apart from the study of law must include the study of the following subjects: (1) Sociology, (2) Psychology, (3) Logic, (4) Rhetoric and the art of public speaking, and (5) Command over language. None of these subjects form a part of the present curriculum of the Law course. The first step, therefore, is to reform the curriculum and to see that these subjects are included in it.

If the curriculum is expanded in the way suggested, then it seems to me that the one and the only answer to the second question namely what should be the period for a complete course of legal education is that it cannot be a two years' course as it is now. It must be more than two years. What exactly should the period be is a question on which there might be a difference of opinion. In my view, the period should be four years. I would divide this course of four years into two periods each of two years. At the end of the first two years, there is to be an examination to be held either by the University or by some other body appointed for the purpose, which examination to be called the First LL.B. Exmination. At the end of second two year's period, there is to be another examination held by the same authority and to be called the second LL.B. examination.

I will next deal with the question of dividing the curriculum between the first LL.B. and the Second LL.B. under my scheme. The course of the First LL.B. should include the following subjects :–

1. Sociology and Psychology. 2. Logic and Rhetoric. 3. English. 4. Law of Contracts. 5. Legal Philosophy and Legal Maxims. 6. Constitutional Law. 7. Government of India Acts. 8. Law of Crimes and Criminal Procedure.

The Course for the second LL.B. will include the course of study now prescribed for the First and the Second LL.B; minus Constitutional Law, the Government of India Acts, the Law of Crimes and Criminal Procedure and Contract which are under my scheme transferred to the First LL.B. I would, however, like to add the following Acts to the curriculum of the second LL.B. :–

(1) Provincial and Presidency Small Cause Court Acts, and

(2) Bombay Civil Courts Act.

I am not in favour of omitting the study of Civil and Criminal Procedures as is suggested in some quarters from the course of Collegiate studies especially as under my scheme there would be ample time for their study.

Having given my views on the questions relating to the course of studies and the period of studies, I take the consideration of the

first question, namely, at what stage of his education, a student may be permitted to commence his study of law. I have no hesitation in saying that it should begin immediately after he passes his matriculation. I am driven to this conclusion by my inability to answer satisfactorily to myself the following two questions :–

(1) Why should the study of law be regarded as a postgraduate study.

(2) Does the undergraduate curriculum gone through by a boy in an Arts College gives him the training which is necessary as a preliminary for making him an efficient lawyer and the want of which has been a matter of constant complaint by the Examiners.

With regard to the first question, it may be pointed out that in the Bombay University no Degree in any Scientific subject, such as Engineering, Medicine, Chemistry and Physics is treated as a postgraduate Degree requiring the passing of the B.A. as a condition precedent for being admitted to the Degree Course. Why Law alone should be treated as an exception, I can see no good ground for justification. Secondly, what the boy studies during his four years in an Arts College for obtaining B.A. Degree. *Ex-Hypothesis* has been found as of no material benefit to him in the study of Law. It is the consideration of the matter from this point of view which has forced me, as I have said, to come to the conclusion that Law should not be treated as a post-graduate study but should be treated as a graduate study commencing right after the matriculation. There is nothing so inherently or particularly good in the present-day graduate course of the Bombay University which can be said to add to the make-up of a good lawyer as to compel us to hold that it must be a necessary prerequisite for the commencement of the study of Law. I may mention in passing that the Barrister's course is not a post-graduate course.

There is a view that a student may be permitted to take to legal studies after the Intermediate. The suggestion is a good one in so far as it implies a return to the old system when law was not regarded

as a post-graduate study. Nonetheless in my view to adopt this suggestion would be a mistake and for two reasons. Experience has shown that a B. A. is not good enough. With this experience behind us, it seems to me somewhat odd to think that if we descend to the lower and inferior strata of the Intermediate, we could turn out a more finished product from the Law College than we do now when we draw our raw material from the higher and better strata of the B.A. If B.A. is not good enough, I cannot understand how it can possibly be maintained that the Intermediate would be better. Secondly, why leave the boy even though it be for two years in the hands of an Arts College which does not give him the preliminary training necessary for Law. If the boy is deficient in his preliminary training, why not take him in your own hands from the very commencement and give him the training? Why send him for two years to an Arts College which does not profess to give a course of instruction designed for the ultimate benefit of a lawyer ?

I see three distinct advantages in my proposal of allowing a student to commence the study of law immediately after the Matriculation :

1. The first advantage to which I attach the greatest value is this. At present, a student who joins the Law Course has not the fixed objective of studying law for the purpose of qualifying himself for the profession. He comes there merely for the purpose of adding one more string to his bow. It is his last refuge to which he may or may not go for shelter. Probably, he comes to the Law College because he is unemployed and does not know for the moment what to do. Due to this unsteadiness in purpose, there is no seriousness in the Law student and that is why his study of Law is so haphazard. It is, therefore, necessary to compel him to stick to it. A boy, who is a B.A., cannot have this fixity of purpose, because as a B.A. he has other opportunities in life open to him. My scheme has the advantage of compelling the boy to make his choice at the earliest

stage at which every one in this country is required to make a choice of his career.

2. The second advantage of my proposal lies in its combination of economy and efficiency. A boy will be able to complete his legal education within 4 years. This is a saving of two years over the present system. The alternative suggestion also requires six years. From the standpoint of poorer students, it has no advantage over the present system. From the standpoint of training, I venture to say that the existing system as well as the alternative suggested by the Committee suffer in comparison with mine. The existing system allows only two year for the study which is undoubtedly very inadequate. The alternative scheme allots three years. But my scheme provides four full years. From the standpoint of efficiency, it is, therefore, superior to both.

3. The third advantage is that it will introduce a process of selection. Those who have not the definite object of entering the profession will be weeded out. Only those with the definite object will join. It will, thus, held to prevent the overcrowding of the profession.

There is only one objection which may be urged against it by some with whom I have discussed it. It is that a Matriculation student will not be able to follow lectures in law. My reply to this is twofold. My friend, Mr. S. C. Joshi, M. A., LL.B., Advocate of the Bombay High Court, assures me that there is no substance in the objection. He is conducting the classes for the Bar Council's Examination for the last several years with great credit as the results show. He has had first-hand experience of teaching Law to Matriculates and I attach much importance to his opinion in this connection. My second reply is that under my scheme, the course for the LL.B. is of two years and the study of Law need not commence from the first year. It may commence in the second.

Coming to the last question of the reorganisation of the Law Colleges, this question was considered by a Committee appointed in 1898 as also by another Committee appointed in the year 1915

known as Chandavarkar Committee and the proposal was rejected. I confess, I have a prejudice against the proposal of making the Law College whole-time. It is a fact that many of the students who are studying law at present are working during the day to earn their living. Indeed, Legal Education would not be possible to many a student and if he was not in a position to earn his living while he is studying. And if the total course of study were to extend over a period of six years as it happens today, I would still oppose the proposal of a full-time College. No educationist would be justified, in my opinion, in devising his scheme of education in such a manner as to impose upon the parent the burden of maintaining a student for six years assuming that there are no failures. But in view of the fact that my scheme requires only four years for the completion of the course and also in view of the fact that the boy is to be taken in hand in a somewhat immature state, I have brought myself as a matter of sheer necessity to favour the proposal of full-time College.

With regard to the staff of the College, I would organise it in two Divisions– the Tutors and the Professors. I am anxious that the actual teaching of Law should be done by persons drawn from the practising members of the Profession. In the absence of any touch with the practising members of the profession, a student in the Law College is likely to get into the academic groove so to say. He must be given a bias in favour of the practical. Only contact with the practising members can give a practical bias to his training. The professors, therefore, should not be required to be permanent members of the staff. Only the Principal and the Tutors should be permanent members of the staff. The work of the Tutors should be to give tuition to the boys and to coach them up, while the Professors and the Principal will do the lecturing.

The object of dividing the staff into two classes is primarily to remove the defects in the method of instruction. The faults in the method of instruction now in vogue will be obvious to any one who has any experience of teaching in Law College. Under the present system, the share which the student takes in his own legal Education consists merely in taking notes of lectures delivered by the Professors. This system at the most acquaints the students with the

provisions of the different Acts. But it is doubtful whether the system of mere lecturing affords a sufficient training of the student's mind so as to enable him to apply legal principles to the complicated series of facts which arise in practice. There is also nothing in the system which can compel the student to follow up the lectures by reading the text-books prescribed with the result that student reads nothing till a few days before the date of the examination, when in order to work out the huge arrears he resorts to the notes and the cram books.

There are different views as to the proper method of giving instruction in Law. Some prefer the case method; others prefer the text-book method, supplemented by lectures. No one can dogmatise as to which of the two is the correct method. Methods of instruction must, of course, be left generally to the discretion of the individual members of the Teaching Staff. But, I believe that some positive direction is necessary to the teaching staff to being to its notice the fact that the present system is faulty and that it is necessary to introduce some change in the method, which will demand a larger share of intellectual effort from the student and which will, while instructing him, also train him. I am of opinion that instead of mere lecture there should be a combination of lecturing work and tutorial work; unless the tutorial method is used to supplement the method of lecturing, there is not much hope of the new college producing a new and a better class of lawyers.

The reform in the system of legal Education should in my view be accompanied by reforms in three other directions :–

(1) All the different Examination in Law should be abolished and should be replaced by one Examination common to all practitioners and the distinction between Advocate (A.S.) and Advocate (O.S.) in so far as it is founded in difference in Examination should be done away with. If the distinction is to be retained, it should be founded on the choice of the practitioner who should be called upon to make his decision at the time he applies for the Sanad whether he would practise as an Advocate (A.S.) or as an Advocate (O.S.) or as a Solicitor.

(2) There must be one common Examining Body. As a part of this scheme of re-organisation, I think a Council of Legal Education for supervising Legal Education and also for conducting Examination in Law should be established. The body should consist of the following :–

(i) Representatives of the University.

(ii) Representatives of the Judges of the High Court.

(iii) Representatives of the Bar.

(iv) Representatives of the Professors of Law Colleges.

(v) Representatives of the Public.

I am not prepared to hand over the function of the Examination to the Bar Council. There is a danger of the Council developing the Trade Union mentality. It would be fatal to the whole system of the Legal Education if such a mentality became an operative force in the conduct of Examination. Already the system of Examination has resulted in killing all interest in the study of Law. Care should be taken to see that there is no aggrevation of this unfortunate result.

(3) The granting of the Sanad should not merely depend on the mere passing of the Examination. It should be made dependent upon the passing on three conditions. :–

(a) The holding of a Degree in Law.

(b) Reading in Chambers of a senior for one year and passing of an Examination in the Law of Pleading and the Ethics of the Profession. And in addition

(c) (i) in the case of a person who wishes to take the Sanad of an Advocate (O.S.) the passing of an Examination in High Court Rules (Original Side).

(ii) in the case of a person who wishes to take the Sanad of an Advocate (A.S.) the passing of an Examination in the Appellate Side Rules of the High Court.

(iii) in the case of a person who wishes to take the Sanad of a Solicitor the passing of an Examination in (a) High Court Rules (Original and Appellate Side) and (b) Conveyancing.

(d) Production of a certificate of good moral character.

There is no justification left for the existence, diversities and anomalies when the system of education is made common to all and is extensive enough for any class of practitioners.

With respect to the question of practical training in the Chambers of a Senior Lawyer it is necessary to mention the following points which arise for consideration :

(1) Are there facilities for training ?

(2) What would happen if no senior lawyer was prepared to admit a law student in his Chambers for training or those that were prepared demanded exorbitant fees ?

All these points must be settled if the test of training is to be practicable. With regard to point No.1, I cannot be absolutely certain. But, I think it is possible to find a sufficient number of Seniors in Bombay and in the District Towns to provide facilities for practical training. On the second point I am sure that unless the High Court was prepared to compel a Senior to admit student to his Chamber for training the system would fail. The habit of not showing the tricks of the trade to one who may be possible rival and the fear that the student while under training will get into touch with the clients and will run away with some of them is so ingrained in the mind of the Seniors that I am sure, they will never consent to take student in their Chambers unless they are compelled to. In relation to third point I think

the High Court should lay down the fees for training in Chambers. Otherwise, the fees are likely to be prohibitive which would have the result of making the legal profession the preserve of the rich.[1]

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[1] Govt. Law College magazine : Vol. VII; No. 1 ; January, 1936.

3

DR. AMBEDKAR'S REPLY TO SIR S. RADHAKRISHNAN

The Survival Theory

" Professor Radhakrishnan once said that there was one argument to prove the greatness of Hindus and that was : it had survived the shakes of time, it still existed whereas other ancient cults and creeds had been dead long ago.

In reply to this argument Dr. Ambedkar says:—

"I fear that this statement may become the basis of a vicious argument that the part of survival is a proof of fitness to survive. It seems to me that the question is, not whether a community lives or dies ; the question is, on what plane does it live. There are different modes of survival. But all are not equally honourable. For an individual as well as for a society there is a gulf between merely living and living worthily. To fight in a battle and to live in glory is one mode. To treat a retreat, to surrender and live the life of a capture is also a mode of survival. It is useless for the Hindus to take comfort in the fact that he and his people have survived. What he must consider is what is the quality of that survival. If he does that, I am sure he will cease to take pride in the mere fact of survival. The Hindus have been living a life of continuous defeat and what appears to them to be life everlasting is not living everlastingly. It is a mode of survival of which every right-minded Hindu, who is not afraid to own up the truth will feel ashamed." [1]

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[1] Published in 'The Lamp' dated 25th June 1936; quoted in : Khairmode. Vol. 6. P. 266.

4

AND THE LORD SAID UNTO—

Reports of Cases Argued and Determined Before The Lords Of the Privy Council, 1829-31

By Jerome Wm. Knapp, Barrister-At-Law, Vol. I.

[A note Contributed by Dr. B. R. Ambedkar]

The case *In re justices of the Supreme Court of Judicature,* which is reprinted below was decided on the 14th of May 1829. It would, however, be a mistake to suppose that the case is of antiquarian interest merely because it is 107 years old. The case is not only of interest to students of History but it is also of interest to students of Law and to the general public as well. Students of History know the jealousy and the hatred that subsisted between the Officers of the East India Company and the Officers of the crown during the period of Double Government that preceded the Mutiny. The reader of the *Memoirs of Sir Edward West* will recall how a Governor appointed by the East India Company contrived to have a duel with a Judge of the Supreme Court appointed by the King. To the student of History the case is of interest because it illustrates the length to which this jealousy and hatred between the officers of the Company and the officers of the King had gone in those old days. To the student of Law the case though old is of great and present-day importance. The issue raised in the case was whether the Supreme Court established in Bombay had a right to issue a Writ of *Habeas Corpus* against a person not residing within its original local Jurisdiction. That the decision had relation to the powers of the Supreme Court which has ceased to exist does not lessen the importance of the case to the student of present day Law because although the Supreme Court has ceased to exist the power of the present High Court to issue the writ of *Habeas Corpus,* outside its original local Jurisdiction is a question which can be answered only by reference to the powers which once belonged to the Supreme Court. This is so because according to the Letters Patent the High

Court has only such powers as once belonged to the Supreme Court. To know the powers of High Court one must know the powers of the Supreme Court. Sir John Grant, the Chief Justice of the Supreme Court was driven to make the application to the Privy Council which became the subject matter of the decision because the Government of Bombay refused to execute his writs. Although the general question– whether the law should provide that the Executive shall be bound to carry out the orders of the Judiciary was not a question directly in issue yet there could hardly be a question of greater importance from the standpoint of the general public. In any Political Constitution the Judiciary is the weakest organ as compared to the Legislature and the Executive. It depends upon the Legislature for the powers it possesses and upon the Executive for the carrying out of its orders. The Executive generally respects the orders of the Judiciary and carries them out. It is true that in the case reported, the Judiciary had no authority to issue a Writ and, therefore, the Executive was justified in refusing to carry it out. But an occasion may arise where an Executive out of spite or out of contumacy refuses to execute the Writ of the Judiciary. Should that happen Justice will remain hung up in the air and a grave public question might arise involving menace to the life, liberty and property of the citizen. These observations are suggested by reason of the contrast which one finds between the provisions in the New Government of India Act, of 1935 relating to the obligation of the Executive to carry out the Writs of the Federal Court or the High Court and analogous provisions in the Constitution of the United States and the erstwhile German Republic which served as an interlude between the fall of the Kaiser and the rise of Hitler. It would certainly be a profitable study to pursue this matter and the curious will naturally do so.

(See overleaf the Judgment referred above)

By Petition from Bombay

In Re The Justices Of The Supreme Court Of Judicature
(14th May, 1829)

The Supreme Court of Bombay has no power to issue a writ of *habeas corpus* except when directed to a person resident within those local limits wherein it has a general jurisdiction, or to a person out of those limits who is personally subject to its jurisdiction [1 Knapp, 58].

The Supreme Court has no power to issue a writ of *habeas corpus* to the gaoler or officer of the native court such officer having no power to discharge persons imprisoned under the authority of a native court [1 Knapp, 58].

The Supreme Court is bound to notice the jurisdiction of a native court without having it set forth specially in the return to a writ of *habeas corpus* [1 Knapp, 59].

This case arose on the petition of Sir John Peter Grant, Knight, only surviving justice of the Supreme Court of Judicature at Bombay. It stated that by letters patent of the 8th of December*, in the fourth year of the present reign, his Majesty was pleased to grant, direct, ordain and appoint, that there should be within the settlement of Bombay a Court of Record, which should be called the Supreme Court of Judicature at Bombay; and did thereby create, direct and constitute the said Supreme Court of Judicature at Bombay to be a Court of Record, and that the same should consist of, and be holden by and before, one principal Judge, who should be and be called the Chief Justice of the Supreme Court of Judicature at Bombay, and two other judges, who should be and be called the puisne Justices of the Supreme Court of Judicature at Bombay.

And that the said Chief Justice and the said puisne Justices should severally and respectively be, and they were all and every of them thereby appointed to be, Justices, and conservators of the peace, and coroners, within and throughout the settlement of Bombay, and the town and island of Bombay, and the limits thereof, and the factories subordinate thereto, and all the territories

[* 1823. The text of the charter is given in Morley's Dig. Vol. II., P. 638. The constitution and powers of the High Court of Bombay are now defined by letters patent of Dec. 28, 1865 (State. R. and O. Rev. Vol. IV., P, 108), issued in pursuance of the Indian High Courts Act, 1861 (21 and 25 Viet. 104)]

which then where, or thereafter might be, subject to or dependent upon the Government of Bombay aforesaid, and to have such jurisdiction and authority as his Majesty's justices of his Majesty's Court of King's Bench had and might lawfully exercise within that part of Great Britain called England, as far as circumstances would admit.

And that the said Supreme Court of Judicature at Bombay should have and use, as occasion might require, a seal bearing a device or impression of his Majesty's royal arms; and that all writes, summonses, precepts, rules, orders, and other mandatory process to be used, issued or awarded by the said Supreme Court of Judicature at Bombay, should run and be in the name and style of his Majesty, and be sealed with the seal of the said Supreme Court.

And that the King by the said letters patent constituted and appointed Sir Edward West, Knight, then recorder of Bombay, to be the first Chief Justice, and Sir Ralph Rice, Knight, then recorder of Prince of Wales's Island, and Sir Charles Harcourt Chambers, Knight, to be the first puisne Justices of the said Supreme Court of Judicature at Bombay.

And the King did further direct, ordain and appoint a certain jurisdiction to apperatin to the said Supreme Court of Judicature, for the hearing and determining of suits and actions arising in the territories subject to or depending upon the said Government, subject to certain provisos, exemptions, and declarations in the said letters patent mentioned, and did appoint a certain form of proceeding for the commencing, prosecuting, hearing and determining such civil suits and actions, and for the awarding and issuing of execution on the judgements pronounced therein.

And that the King was also pleased to grant, ordain and appoint, that the said Supreme Court should be a court of equity, and have equitable jurisdiction over the persons in the said letters patent described, and should be a court of oyer and terminer, and gaol delivery in and for the town and island of Bombay, and the limits thereof, and the factories subordinate thereto, and also a court of ecclesiastical jurisdiction within and throughout the town and island of Bombay and the limits thereof; and further, that the said Supreme Court should be a Court of Admiralty in and for the said

town and island of Bombay and the limits thereof, and the factories subordinate thereto, and all the territories which then were or thereafter might be, subject to or dependent upon the said Government.

And that the said Sir R. Rice, Knight, resigned the off ice of senior puisne Justice of the said Supreme Court of Judicature at Bombay, in November 1827, when the said Sir C. H. Chambers became senior puisne Justice thereof; and the said Sir R. Rice having resigned his office, the petitioner was by letters patent of the 30th of August 1827, appointed one of the puisne Justices of the said Supreme Court in his room; and that he took his seat as such at Bombay, on the 9th day of February 1828.

And that the said Chief Justice Sir Edward West departed his life on the 18th of August 1828; and that on the 3rd day of October in that year a letter was addressed :

> "To Sir C. H. Chambers, and the petitioner, as puisne Justices of the Supreme Court of Judicature, dated Bombay Castle, 3rd October 1828, and signed, by John Malcolm, the Governor; T. Bradford, Lieutenant-General, Commander of the Forces; J. J. Sparrow, and John Romer, the Second and Third Members of the Council."

Which letter was of the following tenor :

Honourable Sirs :

"We are quite aware that we transgress upon ordinary forms in addressing this letter to you; but the circumstances under which we are placed will, we trust, justify this departure from usage, and our knowledge of your private and public characters leads us to hope, that what we state will be received in that spirit, in which it is written; and that, notwithstanding your strict obligations to fulfil every part of your high and sacred duty as British Judges, you will, on this extraordinary occasion, deem yourselves at liberty to consider as much the objects, as the rules of the Court over which you preside; and viewing the intention of the Legislature in its institution, as directed to the aid and support of the Government instructed with the administration of this Presidency, you will, for a short period, be induced by our representations to abstain from

any acts (however legal you may deem them) which, under the measures, we have felt ourselves compelled to take and which we deem essential to the interests committed to our charge, must have the effect of producing open collision between our authority and yours, and by doing so, not only diminish that respect in the native population of this country which it is so essential to both to maintain, but seriously to weaken, by a supposed division in our internal rule, those impressions on the minds of our native subjects, the existence of which is indispensable to the peace, prosperity and permanence of the Indian empire. This conclusion refers to a variety of circumstances which we are equally forbid from explaining as you are from attending to such explanation; but we deem it necessary to state our conviction of the truth of what we have asserted, expecting that it may have some weight with you as connected with the preservation of that strength in the Government, which in all our territories, and particularly those we have so recently acquired, is the chief, if not the only power we posses for maintaining that general peace, on the continuance of which the means of good rule, and of administering law under any form must always depend.

"2. In consequence of recent proceedings in the Supreme Court, in the cases of Moro Ragonath [1 Knapp, 8] and Bappoo Gunness [1 Knapp, 11], we have felt compelled, for reasons which we have fully stated to our superiors, to direct that no further legal proceedings be admitted in the case of Moro Ragonath; and that no returns be made to any writs of *habeas corpus* of a similar nature to those recently issued and directed to any officers of the provincial courts, or to any of our native subjects not residing in the island of Bombay.

"3. We are quite sensible of the deep responsibility we incur by these measures, but must look for our justification in the necessity of our situation. The grounds upon which we act have exclusive reference to considerations of civil Government and of State policy; but as our resolution cannot be altered until we receive the commands of those high authorities to which we are subject, we inform you of them; and we do most anxiously hope, that the considerations we have before stated may lend you to limit

yourselves to those protests and appeals against our conduct in the cases specified, that you may deem it your duty to make, as any other conduct must, for reasons already stated, prove deeply injurious to the public interests, and can, under the resolution taken and avowed by Government, produce no result favourable either to the immediate or future establishment of the extended jurisdiction you have claimed. A very short period will elapse before an answer is received to the full and urgent reference we have made upon this subject; and we must again express our hope, that even the obligations under which we are sensible to act, are not so imperative as to impel you to proceedings which the Government has thus explicitly stated its resolution to oppose.

"We have the honour to be, etc. etc."

The petition then stated, that on Monday the 6th October instant, the Supreme Court being assembled for the despatch of its judicial business, Sir C. H. Chambers caused this letter to be read to the court by the clerk of the Crown; after which the petitioner concurring with Sir C. H. Chambers in opinion regarding both the form and the substance of the communication, the court directed that the clerk of the Crown should inform the Chief Secretary to the Government of the Presidency, by letter, that the said letter had been received, and that the Judges could take no notice thereof.

That it was the intention of the said Sir C. H. Chambers and the petitioner to have laid before his Majesty, in an humble petition, the circumstances which were therein above set forth, and most dutifully and submissively have to be sought his Majesty's royal protection against what they agreed in considering a most unconstitutional and criminal attempt, on the part of those armed with the whole power, civil and military, of the Presidency, to approach the Supreme Court of Judicature within the same, not by their humble petition, or by motion, by themselves or their counsel, in open court, the only way in which the law, for the wisest purposes, permitted his Majesty's Judges to be addressed, but by means of such covert and private communication, as was strictly forbiden by the forms reared by the wisdom of ages, for the intrenching their persons against the danger and even the pollution of undue solicitation or menace, and this for the declared purpose of inducing the Judges, notwithstanding their most sacred

obligations to God, to the King, and to themselves, to refuse to administer justice according to what they should deem to be law, in compliance with such notions as those who had thus approached them might from time to time entertain of what they should call State policy.

That, while a petition to the above effect was preparing to be transmitted to England, Sir Charles Harcourt Chambers, then acting as Chief Justice of the said Supreme Court, suddenly died on the 13th of October 1828.

The petition then proceeded at considerable length to explain the motives that influenced the petitioner and his colleague during these proceedings to impugn the conduct of the Governor and Council, and to show the benefit of the Supreme Court having the power to issue the writ of *habeas corpus* in the manner they claimed. It ultimately prayed, that it might therefore please His Majesty to take the premises into his Royal and most gracious consideration, and to give such commands concerning the same as to His Majesty's Royal wisdom should seem meet, for the due vindication and protection of the dignity and lawful authority of His Majesty's Supreme Court of Judicature at Bombay.

The case of Moro Ragonath [1 Knapp, 5] which is allued to in the petition may be thus briefly stated; on the 25th of August 1828, writ of *habeas corpus ad subjiciendum,* directed to Pandoorung Ramchander for the production of the body of Moro Ragonath, his ward, was moved for before Mr. Justice Grant, the petitioner, at his chambers, on the affidavit of Dinkar Gopal Dew, which stated that Moro Ragonath had been confined for nearly a year, and was still kept in confinement by Pandoorung Ramchander against his will, and under circumstances attended with great hardship and cruelty. This motion was opposed by the Advocate General, on the ground that Pandoorung Ramchander and Moro Ragonath were natives, residing at Poona, and not amenable to the jurisdiction of the Supreme Court. The granting of the writ was postponed for various reasons until the 30th of August, during which time additional affidavits were put in, and in these it was stated that Moro Ragonath having made his escape from Pandoorung Ramchander on the 12th of July, was retaken and sent back again to his custody by persons acting under the order and by the directions of John

Andrew Dunlop, esq.,a British-born subject, and a Provincial Magistrate at Poona. After considerable discussion, the writ was ordered to issue, and was made returnable to the Court on the 15th of September then next, it was translated by order of the Court into the Mahratta language, and duly served on Pandoorung Ramchander. A return was made and filed to this writ in these terms :–

"I, Pandoorung Ramchander Dumdurre, am the relation and friend of the Peishwah. I never in my life have been the servant of the English Government, or of the English. At the time the Company's Government took this country, they gave me word I should live without fear or molestation. Depending upon that, I remained in Poona; and as for my grandson, Moro Ragonath, I am his grandfather; he was placed under my care, that I might take care of him according to the usual custom. He, the said boy, is fourteen years old; for that reason, according to the Shaster of the Hindoos, he is without knowledge; he is bound to behave agreeably to the orders of the person under whose charge he lives; and further, it is necessary to take care of the property and wealth of the boy; more than this, there is nothing, and there is nothing more done (by me to him,) than by those to whose care a boy is delivered, or the usual orders of seniority in a Hindu's family. Should I by any chance do more or less, the same being made known to the Adawlut at Poona, it would be immediately stopped. After Moro Ragonath's grandmother died, he was delivered into my charge, according to the rule, and I agreed to undertake that charge, in order that my grandson's wealth might not be ruined. Without the leave of those by whose authority I took the charge upon my head, I cannot relinquish it. Dated 10th of September 1828, 1st of Bhadrapad Sood Shalabar 1750, the name of the year being Surodharee."

This return was objected to on two grounds; firstly, that there was no return, *"paratum habeo corpus ;"* secondly, that no reason was stated to excuse the disobedience, but that the writ ought not to have issued, which was a reason the Court ought not to receive; and an attachment against Pandoorung Ramchander was moved for. The Judges took time to deliberate on the question, and on the 29th of September they delivered their judgement, that a writ of *alias habeas corpus* should issue, returnable on the 10th of October then next.

The case of Bappoo Gunness [1 Knapp 6] came before the Supreme Court on an application for a writ of *habeas corpus ad subjiciendum,* to the head gaoler of the gaol at Tannah, directing him to produce the body of Bappoo Gunness, then a prisoner in his custody. The writ was granted on the affidavit of one Babool Ranjee, stating that he had applied to the gaoler for a copy of the warrant under which Bappoo Gunness was confined, and that it had been refused to him. The writ issued on the 10th, and was made returnable on the 19th of September 1828. A return to it was made by the nazir of the court of Adawlut of the northern Konkan, and the gaoler to whom the writ was directed in these terms:– "That before the coming in of the writ, Bappoo Gunness was taken and detained in our custody by virtue of a certain order in writing of the Adawlut Court of the zillah of the northern Konkan, in the Mahratta language, and in the following form:" which was set out, and stated in effect that Bappoo Gunness having been found guilty of embezzlement, was sentenced to two years imprisonment, and a fine of 350 rupees, or in default of payment of that sum to a year's additional imprisonment. The body of the prisoner not having been produced on the 19th, the Judges would not suffer the return to be read, and directed an attachment to issue against the gaoler. On the 26th the attachment was set aside on payment of the costs, at the instance of the Advocate-General, and Bappoo Gunness having been brought into Court, the return was read, and held insufficient, because the authority of the Adawlut Court was not stated in it; four days time was allowed to amend it, the prisoner being in the mean while committed to the gaol at Bombay. The return was not amended within that time, the Advocate-General stating to the Court that the reason why it had not been amended, was because Government would not suffer the authority of the Provincial Courts to be questioned; and Bappoo Gunness was discharged from custody.

Denman, (Common Serjeant,) and *Alderson,* for the Petitioner,–It is perfectly clear that the Supreme Court of Judicature possesses the power of issuing a writ of *habeas corpus* directed to all the King's subjects, of whatever description, resident within the territories of Bombay, in order to set free the body of any of the King's subjects detained by them.

The Supreme Court of Bombay derives its several powers from the charter by which it was constituted, in pursuance of the Act of the fourth of the present King [Dec. 8, 1823. See Morley's *Dig*. Vol. II. p. 638]. The original necessity of granting those powers to the Courts of Law in our East Indian possessions arose out of the complaints of oppression, and the disputes of persons in authority there, which at different times during the last reign were brought before the Company and Parliament in this country.

One of the resolutions adopted on this important subject at a meeting of the Court of Proprietors, on the 10th of May 1773, was, "that an application should be made for a new charter of justice, to enable the Company to add to each of the Mayors Courts at the three Presidencies, and to the Courts of the Governors and Councils as Courts of Oyer and Terminer, a barrister to act as recorder, to extend the powers of the Mayors Courts." The additional words of the resolutions are most remarkable on the present occasion : "and particularly to introduce the privilege of the *habeas corpus* into India." It is remarkable, too, that in a petition presented to the House of Lords in the same year, the East India Company stated, "that the most effectual provision of all others to prevent oppression which was recommended by the Company *viz*. that of the *habeas corpus,* whereby men might know of what crime they were accused, and by whom imprisoned, was omitted."

The Supreme Court of Judicature at Calcutta was opened on the 22nd of October 1774, from which period, for a long course of years, writs of *habeas corpus* were regularly issued; most of them apparently to native subjects, and not to those who by way of distinction are called British subjects residing in those territories. On the 16th of January in the year following a motion was made for a *habeas corpus* to the keeper of a place called the prison of the Dewanee Cutcherree, to bring up a person confined there, and the writ was ordered to issue. It should be observed, that by the 13th Geo. III. c. 63 [The Regulating Act, 1773], the King's Court had no more jurisdiction in Calcutta over natives or others, except as a Court of Oyer and Terminer and Gaol Delivery, than in any other part of the dominions of the Crown of England within the Presidency, and that the Zemindary Courts of the Company continued to exercise a jurisdiction over natives in Calcutta, just as the

Zemindary Courts do at the present time. Those Courts are exclusive, as to the complaints, suits and actions against natives not in the employment or service of the Company, or of a British subject, and not brought before the Court of Oyer and Terminer and Gaol Delivery. On the 17th of January a return was made to a *habeas corpus* which had been granted to a person of the name of Golum Hider, to produce *Sum ju,* a female infant of eleven years of age, stating that the child was voluntarily under his care, and not underrestraint. On the 19th of January of the same year a writ was issued to Jona Mullick, keeper of the prison of the Dewanee Adawlut in Calcutta, to bring up the body of Banchuram Roy. That writ was objected to by counsel on Saturday the 21st of January, inasmuch as it issued on the statute of Cha. II., and was not marked *per statum*. It was answered by the Chief Justice that the writ might be considered as at common law. A motion then was made for quashing the writ, because the common law of England did not extend to India, or at least to no other than British subject: but this motion was rejected by the court; for on January the 31st a return was made to the writ, and the doctrine was by consequence denied. But when, on the 2nd of March in the same year, the return was read again, stating the imprisonment to be in a civil suit for debt, by order of the Court of Dewanee Adawlut, the Supreme Court at Calcutta proceeded to inquire whether that court, which undoubtedly possessed a competent jurisdiction in many cases, possessed in it that which was then under discusson. The plaintiff was a British subject, and the defendant his *gomastah* or steward, and therefore in the employment of a British subject; both parties were amenable to the jurisdiction of the Supreme Court, and neither of them within that of the Dewanee Adawlut. The keeper of the prison being in court to make his return, the prisoner was discharged. The Supreme Court thus exercised its authority in determining that the return did not bring the prisoner within the jurisdiction of the inferior court.

Again, on the 28th of March 1775, a return was made by Jona Mullick, keeper of the gaol of Fousdary Adawlut, to *habeas corpus,* to bring up the body of one Seremani there confined. On the 23rd of December in the same year a writ of *habeas corpus,* directed to Warren Hastings, esquire, the Governor-General, to bring up the body of Joseph Pavessi, was returned in court, the return being

made by the Governor-General himself, without the slightest intimation of objection, and the said Pavessi was discharged, the Governor-General having declined to state as true, in an amended return, a necessary fact which he had only on report. Pavessi had been taken up in order to be sent out of India contrary to law, he being not a British subject.* It appears, therefore, that at that early period the reform of the Indian Governments, and the superintendence of the English law over the settlement, were considered synonymous; and one great object contemplated by the Company itself, was the introduction of the writ of *habeas corpus,* authorizing any man deprived of his personal freedom to compel the party who imprisoned him to show that he did so by authority of law.

At Calcutta, various instances of the same kind might be cited, and others have occured at Madras. The importance of the writ of *habeas corpus* has been strongly and justly felt. Whatever Act was passed, and whatever charter was granted, subject to whatever limitation of powers, there was no exception to that writ, and no limitation of its sphere in any of those statutes or charters.

But the writ of *habeas corpus* was expressly given to the Supreme Court of Calcutta by the letters-patent of the 13th Geo. III. **,they conferred upon that court "such jurisdiction and authority as our Justices of the Court of King's Bench have and may lawfully exercise within that part of Great Britain called England, as far as circumstances will admit." The writs of *habeas corpus* issued under that power do not appear to have been questioned in any manner which could raise a doubt as to their authority. The erection of the Supreme Court of Bombay has reference to the powers given to the Supreme Court of Calcutta. The 4th Geo. IV.(c. 71), indeed gives His Majesty the power by

*This and the preceding cases appear to have been quoted from a pamphlet published in October 1828, at Bombay, and entitled "Proceedings of the Governor and Council at Bombay towards His Majesty's Supreme Court of Judicature." They are there stated to have been extracted from MS., notes made by one of the Judges appointed at the first establishment of the Supreme Court at Calcutta.

**[The text of the charter is given in Morley's Dig. Vol. II., p. 549. The constitution and powers of the High Court of Calcutta are now defined by letters patent of Dec. 28,1865 (Stat. R. and O. Rev. Vol. (iv,) p. 82), issued in pursuance of the Indian High Courts Act, 1861 (24 and 25 Viet. C. 104)]

charter or letters patent, "to erect and establish a Supreme Court of Judicature at Bombay, with full power to exercise such civil, criminal, admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects, and to be invested with such powers and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control, in the said town and island of Bombay and the limits thereof, and the territories subordinate thereto, and within the territories which then were or thereafter might be subject to or dependent upon the Government of Bombay, as the Supreme Court of Judicature at Fort Williams in Bengal, by virtue of any law then in force and unrepealed, did consist of, was invested with, or subject to, within the said Fort Williams, or the places subject to or dependent upon the Government thereof; provided always, that the Governor and Council at Bombay, and the Governor-General at Fort Williams aforesaid, should enjoy the same exemption, and no other, from the authority of the Supreme Court of Judicature to be there erected, as were enjoyed by the said Governor-General and Council at Fort Williams aforesaid for the time being, from the jurisdiction of the Supreme Court of Judicature there." That is the only proviso for the exemption of the Governor and Council of Bombay; but the Governor-General and Council of Fort Williams are not only exempted from the jurisdiction of the Court, *but have by the 21st Geo. III, the power of exempting others also from its jurisdiction by their order in writing; which approaches very nearly to the latter in question.

In pursuance of this Act of 4th Geo. IV. [c. 71] His Majesty erected the Supreme Court of Judicature at Bombay, by his Letters Patent [Morley's *Dig*. Vol. II. p. 638]. By these letters he gave to it various powers and authorities which are exercised by his ordinary

*21st Geo. 3, c. 70,s 2. "If any person or persons be impleaded in any action or process, civil or criminal, in the said Supreme Court, for any act or acts done by order of the said Governor-General and Council, in writing, he or they may plead the general issue, and give such order in evidence; which said order, with proof that the act or acts done have or has been done according to the purport of the same, shall amount to a sufficient justification of the said acts, and the defendant shall be fully justified, acquitted and discharged from all and every suit, action and process whatsoever, civil or criminal in the said Court".

By section the third of the same Act it is provided, that with respect to such order of the Governor-General and Council as shall extend to any British subject or subjects, the court shall have and retain as full and competent jurisdiction as if the Act had never been made.

writs in the Kingdom of England; and he thought proper to limit the extent of its civil jurisdiction, of its ecclesiastical jurisdiction, and of its jurisdiction as a Court of Oyer and Terminer; but these are the only respects in which he limited, as to the extent of territory, those powers which the court was to possess. The clause limiting the civil jurisdiction is in these words [clause 28]: "And we do further direct, ordain and appoint, that the jurisdiction, powers, and authorities of the said Supreme Court of Judicature at Bombay shall extend to all such persons as have been heretofore described and distinguished in our charters of justice for Bombay by the appellation of British subjects, who shall reside within any of the factories subject to or dependant upon the Government of Bombay." It thus states, that all the jurisdiction, powers, and authorities of the Supreme Court of Bombay are to extend to those persons; but it cannot mean that the general jurisdiction of the court extends to no others. But if the whole of the article be read thus, "That the jurisdiction, power, and authority of the Supreme Court of Bombay shall extend to (and that the said court shall be competent and effectual, and shall have full power and authority to hear and determine all suits and actions whatsoever against) any of our said subjects distinguished," etc.; it would then apply only to the civil jurisdiction alone, as to suits and controversies, and have no reference to any limitation on the other jurisdiction of the court. In like manner the Court of Equity is to extend over all the same persons as those who have civil suits. So again, in speaking of the criminal jurisdiction, the charter [clause 44] authorizes and empowers the said Supreme Court to "inquire, hear, and determine of all treasons, murders, felonies, misdemeanors, etc. committed by any of the King's subjects in any of the territories subject to or dependent upon the Government of Bombay." Now, if all the powers of the court had been previously limited by the clause of the charter granting the civil jurisdiction to subjects residing within the factories, this clause would be inconsistent with it. It, therefore, shows that limitation not to extend to all its powers and authorities, but to its civil jurisdiction alone. The result is then, that first, all the general powers of the Court of King's Bench throughout a district including Poona and Tannah, the places in question, are given to the Supreme Court; then a civil authority is given, limited to a smaller district; and then other jurisdiction are given it, limited in the same manner.

The language of this charter thus becomes as intelligible as the principle on which it rests. The native subject shall not have his contract interpreted by a foreign law; but it equally imports him, whether contending with another native, or with a British-born subject, to be secured from that invasion of individual liberty, without which no justice of any kind can be obtained. The distinction is manifest between the ordinary objects of civil and criminal justice, and the high prerogatives vested in the Crown for the immediate protection of all its subjects. The powers which belong to His Majesty by virtue of his royal station, to be exercised by him through his Judges in the Court of King's Bench, exist in conquered countries as well as those to which he succeeded when he came to the Crown. They cannot be taken from him, but by his own concurrence with the two other branches of the Legislature, in words which can leave no doubt of the intention to make so great a sacrifies.

In these letters patent there is also this proviso [clause 45]: "That the Supreme Court shall not be competent to try any indictment or information against the Governor-General and others who are specified, except in particular cases." Now the power of granting a criminal information is not involved in that of trying actions and indictments; yet the proviso clearly implies, that in all cases excluded from it under the circumstances there directed, the Supreme Court might hear a motion for a criminal information.

It was only in the year 1827 (R. V. Wright, 1827, Morley's Dig. Vol. I. p. 120) that Sir Charles Grey had occasion to give a judgement, which proves the opinion of that learned Chief Justice on the subject. A motion was made for a criminal information against a variety of persons who had obstructed a Sheriff's officer in executing the process of the court. Some of the parties complained of were native subjects not open to the ordinary jurisdiction; no indictment could have been preferred against them. But the others were British subjects, or those employed by British subjects, who clearly would not fall within the exception. Sir Charles Grey expressly recognizes the distinction which we have drawn. "A question had been made, whether the Court possessed authority to grant a criminal information against Mendy Ally Khan, as it had been said that he was not subject to this jurisdiction, as he was not an inhabitant. In his own opinion, however (the opinion of the Chief Justice of Bengal), the question

of the jurisdiction of the court should not be entertained. There were two distinct powers of jurisdiction vested in the court, that of Oyer and Terminer and of the Court of King's Bench. The former was limited; but the latter was not, but extended throughout all the Provinces under this Government. It was his opinion, that the Supreme Court possessed authority to grant information anywhere in the Company's territories, for any act for which the Court of King's Bench could issue one in England. The Court had a complete power of punishing any native, foreigner, or other person whosoever, contempt or violent obstruction of the process of the court, in the same way as the Court of King's Bench. It would be perfectly anomalous to say that it did not possess the power of punishing that by the more deliberate mode of information, which could be effected by the mere summary process of attachment. He could not confine it to that question, seeing that they possessed the jurisdiction of the Court of King's Bench. He did not know that the Court might enter into a criminal information against any person whatever. He should state, however, that such an authority should be executed sparingly, and with caution. This would set the question of the grounds of the criminal information at rest, as their jurisdiction over Mendy Ally Khan did not depend on his being an inhabitant of Calcutta." He then proceeds to say, "that as some of those persons were not subject to indictment, and those subject to it were the least guilty parties, he would not grant a criminal information, but thought it better to leave it altogether to an indictment."

In this passage the power to try indictments is clearly separated, both from the right to issue attachment for contempt, and from that of granting criminal informations. Indictment can be tried by the Supreme Court only in its character of a Court of Oyer and Terminer, and its power to try them is bounded by the terms of the exception; but the power of punishing contempt is inherent in all courts. The power of proceeding by criminal information is inherent in the Court of King's Bench and is transferred, without limitation as to persons, by the terms of the charter to the Supreme Court.

Numerous cases might be drawn from the books, if authority were wanted, to inform your Lordships that, that power does exist

in the manner described. In Bourn's case, Cro. James, p. 543, "Montague, Chief Justice, said that the privilege of the Cinque Ports, that the King's writ runs not there, is to be intended between party and party, but no such privilege can be against the King : and this writ (a writ of *habeas corpus*) is a prerogative writ which concerns the King's justice to be administered to his subject; for the King ought to have an account why any of his subjects are imprisoned; and it is agreeable to all persons and places, and no answer can satisfy it but to return the clause with *paratum habeo corpus,* etc.; and this writ hath been awarded out of this court to Calais, and all other places within the Kingdom, and to dispute it is not to dispute the jurisdiction, but the power of the King and His Court, which is not to be disputed; and of this opinion were all the other justices;" This doctrine of Lord Chief Justice Montague is fortified by precedents of the King's writ having been awarded to Calais and other places within the dominion of the Crown of England, and has been fully recognized by the Courts in a variety of cases between that time and this. Lord Mansfield, in the case of Cowle, 2 Burrow's Reports, p. 834, laid it down that the King's writ must be said to run in all places throughout his dominions, but that this was not the case with all writs; and therefore, when he came to lay down the rule in that case, his Lordship directed it to be entered that writs of *venire facias* do not run in the town of Berwick; but he decided also, that the high prerogative writs arising out of a different source have a much more extensive operation. Now these high prerogative arise out of the natural allegiance the subject owes to the King, and the protection which that allegiance requires of the King for the subject? This is the principle which is stated in Calvin's case in 7th Report (1), *viz.,* that allegiance is the duty of the subject, and that protection is the duty of the King. Whenever therefore the subject owes allegiance, the King owes protection. Now can it be contended that in the case of any conquered country annexed to his Majesty's dominions the inhabitants of that country do not owe him allegiance? If they do, it must follow that the King must owe them protection, and that protection is to be, as in the present instance, given, by his issuing by virtue of his prerogative his writ of *habeas corpus,* that he may know whether they are lawfully imprisoned or not; or his writ of *certiorari,* that he may know whether any

proceedings which have been commenced against them are conformable to the law; or his writ of prohibition, that he may keep the respective courts throughout his dominions in the due exercise of their duties; or his writs of *mandamus,* that he may oblige persons to do such acts as they are bound to perform. Therefore, when the King grants to a particular court, by virtue of the authority of an Act of Parliament, these powers arising out of his prerogative, the court has them in their full extent, unless he limits them, either as to extent of territory, or in some other way. Here the King has granted the same powers as the King's Bench exercises in England, to be exercised by the Supreme Court of Bombay throughout a territory including the places to which these writs have been sent. It may be true, that the natives of India are not within the jurisdiction of the Supreme Court for the purpose of suing one another for private matters of dispute; that certain writs known to our law would not run as between party and party, and yet that the prerogative writs of the Crown being restrained by no clause in the charter, nor taken away by the direct words of an Act of Parliament, the sole power sufficient for that purpose must remain in the Crown, and exercised by that court to which the constitution has assigned so high and inestimable an authority.

In the early part of his able argument in the Court of Bombay, the Advocate-General of Bombay referred to the celebrated Patna case, in the year 1777, before Sir Elijah Impey, and from his expressions, endeavoured to infer that the Court had no jurisdiction over the natives in a case like the present (Patna, Appendix, No. 17, Judgement of Sir, E. Impey, in the case of *Nadarah Begum* v. *Behader Beg).* "In this country, the gross body of the people are not, and only certain persons answering particular descriptions are, objects of the King's laws or of the jurisdiction of this court. As therefore there are other laws and other courts, such as they are, to whom the bulk of the natives are amenable, and we were not anxious to extend our jurisdiction, we have suffered these pleas to the jurisdiction to be pleaded as freely as any other plea," etc. On this doctrine great stress was laid by Mr. Dewar: but Sir Elijah Impey's authority was not wanted in support of the fact, that natives

are exempt from the jurisdiction of the Supreme Court. The question still comes round. What jurisdiction is here contemplated? Is it that jurisdiction to issue high prerogative writs, which cannot be abolished without positive enactment; or is it that jurisdiction to decide those controversies between party and party, which the law designates by the name of suits and actions ? Sir Elijah must have referred to the latter in the case where he permitted please to the jurisdiction to be freely pleaded.

It was then argued, that because this Act of the 21st Geo. 3, cap. 70, enacted (section 11) that "Governor-General and Council should cause the name, description and place of usual abode and all natives employed in the service of the East India Company, in the offices therein mentioned, to be entered in a book or books to be alphabetically disposed," that those precautions would hardly have been taken to ascertain what natives should be subject to the jurisdiction, if all natives without exception were. But in a limited sense of the word, we have no objection to admit that certain classes alone are within the jurisdiction. The registry of all the persons described is equally desirable for this purpose, whether our argument in favour of its embracing all in its more liberal sense, be well or ill founded.

Having spoken of the high prerogative writs in general, we proceed to speak of the writ of *habeas corpus* in particular. In the year 1818 the doctrines held concerning that writ were examined by Lord Eldon, in Crowley's case, 2nd Swanston, p. 1. A person had been committed by commissioners of Bankrupt for not answering satisfactorily, a motion was made for a writ of *habeas corpus* in vacation, and the question whether he possessed such a power was discussed by him with great care. He found a case in point decided by Lord Chancellor Nottingham (Jenkes's case, 1676, 6 How St. Tr. 1189); but he resolutely overruled that decision when he found it inconsistent with the principles of the law of England. He treated it there as known law, that no man's liberty should be invaded without the supreme legal authority having power to pronounce immediately on the reason of that restraint; and that this prerogative of the King might be called into action at any time, and could not be affected by general words in a statute.

The case of Moro Ragonath (1 Knapp, 8) gave rise to the extraordinary interference of the Governor and Council of

Bombay. In that case, although a writ of *habeas corpus* issued, the body was not brought into court, nor any return made to the writ, though a strange, anomalous, questionable document, came from the person to whom it had been sent. The fact stated in that document, if true, might have been returned to the court, and the cause, if sufficient, would have been admitted by the court. If appeared too on the proceedings that the person to whom the writ was directed had obtained the authority of Mr. Dunlop, a Justice of Peace of that part of the world, to keep Moro Ragonath in custody, and we apprehend may well be considered as an agent employed by Mr. Dunlop, and thus answering the narrowest description of those within the jurisdiction.

It is a much less daring presumption than the fiction in the law, that any person brought before the Court of Common Pleas by *habeas corpus* is a privileged person; and therefore Lord Eldon and Mr. Justice Blackstone commend the Common Pleas for presuming the party arrested to have their privilege when they knew he had not, because the law cannot endure that a man under unjust imprisonment shall return to it.

It can hardly ever indeed happen that a person in the Indian territory should be imprisoned without the intervention of English subjects properly so called.

The gaoler, in almost every case, is a native; all the officers of the native courts are natives; but the authority of the native courts is almost always under the control of English subjects. Servants of the East India Company preside over their jurisdictions. It would require a great deal of ingenuity, and a most remarkable concurrence of circumstances to find any person imprisoning another, and not acting under the employment of British subjects.

The letter-missive to the Supreme Court (1 Knapp, 4) assumes to repeal the letters patent granted by the King in respect of all except those residing within the island of Bombay, or such as have been employed by the British authorities; it claims to refuse the execution of writs directed to any officer of the Provincial Courts; and in conformity with this assumption of power by the government were its proceedings in the case of Bappoo Gunness (1 Knapp, 6).

The Counsel then proceeding to comment on the terms of the letter of the Governor and Council to the Judges.

The Lord Chancellor (Lord Lyndhurst) observed, "What we have met here for is to ascertain the jurisdiction of the Supreme Court of Bombay. The object is discussion of what their power is."

The prerogative of issuing writs of *habeas corpus* is inherent in the Crown, and can only be abolished by express words and none such are found in the charter. Such writs are issuable by the law of England from the Court of King's Bench, and they run into any dominions under the sway of the English Crown. Such writs have frequently issued from the English Supreme Courts at the several Indian Presidencies, which have all the powers of the English King's Bench vested in them by Act of Parliament. Certain restrictions are imposed on the jurisdiction of the Supreme Court with regard to the persons subject to it; but those must be applied, by a reasonable construction, to its ordinary operations as a Court of Oyer and Terminer and of Gaol Delivery, not extended to the power of issuing those high prerogative writs which are indispensable for the safety of all the liege subjects of the Crown when urgent necessity demands immediate and decisive inter-position. But even if the subjects purely native could not be questioned for the imprisonment of a fellow subject, still the agents of those courts which act under British Judges are manifestly excluded from the pretended exemption.

The celebrated statute of *habeas corpus* (31 Car. II. c.2) is intituled, "An Act for the better securing the liberty of the subject, and for prevention of imprisonment beyond the seas;" and in *The King* v. *Cowle (R.* v. *Cowle,* 1759, 2nd Burr. 835), it is stated, that the power of the King's Bench in England extends to the granting writs of this description directed to persons in the colonies, though the necessity for issuing them had not then occured. That the court has such a power, appears from the authority of Lord Mansfield [*King* v. *Cowle,* 2nd Burrows (835)], and from the fact that writs of this description have issued into all the dominions of the Crown of England. They may, and do, extend, therefore, beyond the limits of the ordinary civil jurisdiction of the court here; and so in India the Supreme Court may have this jurisdiction throughout all the conquered territories, though its civil jurisdiction be limited to Bombay alone. The duty of the Court of King's Bench in England,

in such cases, has been most correctly stated by Lord Coke, in his description of the authority of the Court of King's Bench (Co. Instit. pt. 4, cap. 7); "For the pleasure of God and the quiteness of our subjects, to save our conscience and to keep our oath, by the assent of our great men and other of our Council, we have commanded our Justices that they shall from henceforth do even law and execution of right to all our subjects, rich and poor, without having regard to any person, without letting to do right for any letters or commandment which may come to them from us, or any other, or by any other cause". If the Court of King's Bench in England would not have neglected to do right for any letters the King of England might send to them, it is too much to expect that the Judges of the Supreme Court of Bombay should, without remonstrating receive from the Governor and Council of that Settlement a letter or commandment interfering with the upright and conscientious discharge of their judicial functions.

Bosanquet and Spankie (Serjeants) for the East India Company.– It is obvious, from the words of the Act of the 4th of his present Majesty, that the intention was not to give any jurisdiction to the Supreme Court at Bombay within the territories subject to Bombay, beyond that exercised by the Supreme Court within the Presidency of Fort Williams. In one respect, it will be found that the jurisdiction given by the charter carrying into effect the objects of that Act is less.

But, for the present, let us suppose that the authority conferred is to the full extent the same as that conferred on the Supreme Court of Fort Williams. The great principle of the jurisdiction of the new courts which were established in India by the 13th of Geo. III. (Morley's Dig. Vol. II., p. 549) was this, that so far as locality was concerned in the town of Calcutta, there was conferred an unqualified territorial jurisdiction over all the inhabitants. There is another jurisdiction, not so extensive in its effects, though reaching throughout the dominions subject to the Presidency, applicable to the designated classes of persons. The two things are most perfectly distinct; and we admit that so far as the privileges and authorities of the Court of King's Bench in England can be applied, either to the localities of Calcutta or Bombay, or to the designated classes, the

jurisdictions may be conceded; but it does not follow that they should have in the territory at large a jurisdiction, either to attach upon individuals not of the designated class, or to control the proceedings of other courts of a distinct authority. The distinction appears to have been wisely and considerately adopted by the Legislature. At Fort Williams, at Madras, and Bombay, the English law had prevailed for at least a century. It had prevailed, at all events, from the charter of Geo. I. (1726 : 13 Geo. I). It was known as the existing law there antecedently to the year 1774 : persons had been tried and condemned under the local jurisdiction of Calcutta for forgery and other crimes created by English status. Those who came to those towns, which were a kind of English colonies, came to the English law: they came to a place where they could no more evade the jurisdiction than men who come to England have a right to be tried by the law they leave behind them. The other class was a class who became subject, by their own acts, the servants of the Company, or British subjects, etc. etc.; who by voluntarily entering into those services rendered themselves subject to the jurisdiction of the King's Courts. It was the policy of the law to leave those persons out of the local limits and of the designated classes, in point of jurisdiction, to be governed by their own law; and the exception was an exception to which they subjected themselves; and this is the view taken of the subject in the speech of Sir Elijah Impey in the House of Commons [Parliamentary History, Vol. 26 (1341-1416)].

The power enjoyed by the native or provincial court, is a power possessed by them long antecedent to the British conquests in India, and which exists, except where it has been altered by the legislative authority, which the British Parliament does not directly exercise, but which it has confided to the Governor General in Council. Thus all persons not subject to the King's Courts are living under their own laws, under the authority of the British Legislature, and may be considered, to many purposes, as a separate nation under a different government. What is the power of the Court of King's Bench supposed to be? The King himself formerly exercising his sovereign authority in the *aula regis,* which he now exercises by that court, still called the Court of our Lord the King before the King himself. The whole administration is derived from the ancient *aula regis,* the centre of all judicial authority; and all the

King's courts are subject, without exception or distinction, to the control of the Court of King's Bench. But the laws of England are not the laws of India. There is a code of laws which the King has thought fit, by the consent of his Parliament, to continue or enact and which are not the King's laws in the sense that the laws of England are. There is therefore no analogy between the circumstances. The Courts in England are all drawn from the same source, they all flow in the same channel, they all apply to the same persons. But the laws in India are derived from a different source; they attach upon different classes of men; they have nothing in common with the laws of England. To confer upon the English courts of law existing locally in Calcutta or Bombay a control over the native laws and courts, would be a species of anomalous judicial administrtion, which we trust will never be sanctioned by the British Legislature.

Previous to the estalishment of the Supreme Court in the year 1773, there were Mayors Courts at Calcutta, Madras and Bombay. The statute of 13th Geo. III. (c. 63) authorized the institution of a Supreme Court only at Calcutta. The language of that Act, and the charter founded upon it, gave rise to various discussions. Certain circumstances, which have been treated as precedents on the other side, took place previous to the 21st Geo. III. (c.70); but according to the best information which we have received, no instance is to be found since the passing of the 21st Geo. III. in 1781 (c.70), in which an attempt has been made by the Court at any one of the three Presidencies, to issue a writ of *habeas corpus* of the description now contended for.

The statute of the 13th of Geo. III. (cap. 63) in the year 1773 provides (sect. 13) that his Majesty shall have power to erect a Supreme Court at Fort William, and a proviso to this effect is added (sect. 14): "That the said new charter, and the jurisdiction, powers and authorities to be thereby established, shall not may extend to all British subjects who shall reside in the Kingdom or Provinces of Bengal, Bihar, and Orissa, or any of them, under the protection of the said United Company; and the same charter shall be competent and effectual, and the Supreme Court of Judicature therein and thereby to be established shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects,

for any crimes, misdemeanors, or oppressions committed, or to be committed, and also to entertain, hear and determine any suits or actions whatsoever against any of his Majesty's subjects in Bengal, Bihar, and Orissa, and any suit, action or complaint against any person who shall, at the time when such debt, or cause of action, or complaint shall have arisen, have been employed by or shall then have been directly or indirectly in the service of, the said United Company, or of any of his Majesty's subjects."

Whatever obscurity or ambiguity may be found in particular clauses or expressions of this charter, or of the Act of Parliament, we apprehend that the court which was established was not a court of general jurisdiction throughtout all the Provinces, in the nature of the Court of King's Bench, with certain exceptions, but a court of local and limited jurisdiction, with an extended jurisdiction, in certain cases, over certain descriptions of persons. This undoubtedly is a most material distinction in principle. It has been universally understood, that these are courts of limited and local jurisdiction, having a general jurisdiction within those local limits, not only over British subjects, but over all the native subjects, Mahommedans and Hindus as well as Christians, in all matters criminal and civil; subject to a proviso that the persons of different religions should be judged according to their respective religions, in certain cases; and that beyond these limits the courts shall have a certain jurisdiction over certain persons described to be British subjects, and persons in the service either of the East India Company or of other British subjects.

The next material proviso (sect. 16) is, "That the Supreme Court shall hear and determine any suits or actions of any of his Majesty's subjects against any inhabitant of India, residing in Bengal, Bihar, Orissa, or any of them, upon any contract or agreement in writing, where the cause of action shall exceed the sum of 500 current rupees, and where the said inhabitant shall have agreed in the said contract that in case of dispute the matter shall be heard and determined in the said Supreme Court." This is certainly a very extraordinary provision to be introduced into an Act which is supposed to establish a court of general jurisdiction.

*The Act of 13th Geo. III. (c.63), and the charter founded upon it, gave rise to various disputes, arising, among other things, out of the issuing of the writ of *habeas corpus;* in cosequence of which the Act of 21 Geo. III. cap. 70, was passed for the purpose of removing doubts with respect to persons subject to the jurisdiction of the Supreme Court. The writ of *habeas corpus* had been issued to persons who were owners of land; and it was contended that any person who held the land and who paid rent, but had no other occupation connecting him with the East India Company, was to be considered as a person within the service of the East India Company, and as such within the general jurisdiction of the court. It has been said that applications were made on the part of the East India Company that provison should be made in the Act, giving power to issue the writ of *habeas corpus*. To what particular descriptions of persons the direction of such writs was intended to be confined is not stated; but if the subject was brought under the consideration of Government, and yet no clause was introduced in the Act of 21st Geo. III. (c. 70), then we have the less reason to suppose it was the particular intention of the Legislature to give the authority contended for. Certainly it is not expressly given, but the persons to whom writs of *habeas corpus* are said to have been addressed are expressly excepted from the jurisdiction of the Court in the 9th and 10th sections of that Act, which says, generally, that natives under the circumstances therein particularized shall not be subject to the jurisdiction of the court on account of those circumstances; thereby clearly assuming, that but for those circumstances as natives, they would not be subject to the jurisdiction of the court. And then a clause is added, "that for more perfectly ascertaining those natives who should be subject to the jurisdiction of the Supreme Court, the Governor General and Council should cause the name, description, and place of usual abode, of all natives employed in the service of the East India Company, with certain exceptions, to be entered in a book or books alphabetically disposed."

*For a short and entertaining, although perhaps not a very impartial account of these disputes, see Mill's History of British India, Book 5th, Chapter 6th.

How, then, was this matter understood soon after the passing of the 21st Geo. III. (c.70)? Out of the transactions which took place between the year 1773 and the year 1781, various accusations arose against the individuals occupying certain high stations, and among others, there was a charge against the Chief Justice of the Supreme Court, Sir Elijah Impey, who made his defence in the House of Commons, in a speech which was afterwards printed in the shape of a separate publication, and is correctly copied in the 26th Volume of the Parliamentary History (1341-1416). "The charter," says Sir Elijah Impey, at page 1358 of that work, "has given a criminal jurisdiction, not local and territorial, over the Provinces, but personal, over pan of the inhabitants, answering to certain descriptions; but the jurisdiction given over the inhabitants of Calcutta is universal, that being a territorial jurisdiction throughout the whole town of Calcutta." The object of the learned Judge upon this occasion was different from that which is now the subject of consideration; for it became important for him to show that the jurisdiction in Calcutta was a general jurisdiction, and that the jurisdiction in the Provinces was not a general jurisdiction. "The first, as to the Provinces at large, is new, and was introduced by that charter. All the laws of England established by that charter I admit to be new, as to them, and only to be supported by the authority of that charter; but with regard to the town of Calcutta, the operation of the statute was different. Long before the erection of the Supreme Court in 1774, there had existed in Calcutta courts in the nature of Oyer and Terminer and Gaol Delivery, administering the criminal laws of England with a territorial jurisdiction over Calcutta. The 13th Geo. III. (c. 63) abolished these courts to make room for the Supreme Court. It gave to the Supreme Court the power of trying the same crimes, with a territorial jurisdiction co-extensive with that of the old court."

It has been intimated that the jurisdiction now contended for has been enforced at Madras. Such a jurisdiction is at variance with the doctrine stated by Sir Thomas Strange, Chief Justice of Madras in the year 1802, in the first Volume of his Reports (Notes of Cases at Madras), page 135, *Nagapah Chitty* v. *Rachummah and another*. He there says, "It has been truly observed, that it is impossible to argue in this court from any analogous cases of jurisdiction in the courts at home. Those courts being by their constitution, according

to their respective modes and purposes of proceeding, the great depositaries of the universal justice of the realm, and as such, in every instance in which it is attempted to withdraw a case from their cognizance, bound to see, distinctly and unequivocally, that a jurisdiction adequate to the object in view exists elsewhere. If that be not stated so as to appear to the court, a plea to the jurisdicton fails, and the jurisdiction remains. But it is different here, because, though coordinate in its nature with those courts so far as its jurisdiction attaches, the jurisdiction of this court is limited with regard to persons not being British subjects." This passage, we apprehend, bears on the very subject under consideration here. Though there are words in this charter giving to the court the authority of the Court of King's Bench, it is the nature of the authority which is described, and not the extent of the jurisdiction. The extent of the jurisdiction is limited by other clauses; but the nature of the authority which the Judges are entitled to exercise where they have jurisdiction, whether within the local limits in respect of the inhabitants generally, or beyond the local limits in respect of British subjects, for English purposes, and administering English law, is in the nature of the authority exercised by the Court of King's Bench in England. "Generally speaking," adds Sir Thomas Strange (page 136), "it is restricted with regard to the natives (whether wisely or not is not for us to consider) to the inhabitants of Madras, and the plea therefore very properly confines itself to these facts; upon which the court is fairly called upon to say, whether the defendants, being natives, can be considered as inhabitants of Madras for the purpose of being subject to our jurisdiction upon the present bill. It is said in many cases, *boni judicis est ampliare jurisdictionem.* If for *jurisdictionem* be read (as was always read by Lord Mansfield) *justitiam,* it is a noble maxim. If an object and matter of jurisdiction exists, it is indeed the part of a Judge so far as circumstances may admit, to administer an enlarged and amplified justice, embracing the interests of all parties and all the bearings of the case in any other sense of the maxim. It seems to me that the strength of every jurisdiction consists mainly in a temperate admeasurement of it by those in whom it is vested; and that so far from its being the duty *boni judicis ampliare,* it becomes none more than Judges to set to others in power a different

example, instead of, by overstrained constructions, and upon fanciful imaginations, to be outstepping the bounds set by their commission. Neither are we to presume that justice will not be done, though this court, sustaining the plea, should decline the office of rendering it."

There are various passages to be found in different statutes which strongly show, not, perhaps, the entire exemption of the natives of India from the jurisdiction of the Supreme Court, but that the authority of the Supreme Court was never intended to embrace them; and that they were never comprehended within that extensive authority which was given to the Supreme Court with respect to British subjects.

Your Lordships will find in the 53rd of Geo. III., cap. 155, a long list of offences created in various clauses, all of which are introduced by words importing in clear terms the distinction between the local and personal jurisdiction of the court. At section 114, after reciting that it "was expedient that the stealing securities for the payment of money within the East Indies should be made felony," and so on, it enacts, that if any person or persons within the "local limits of the criminal jurisdiction of any of his Majesty's courts at Fort William. Fort Saint George, Bombay, or Prince of Wales's Island, or if any person or persons, personally subject to the jurisdiction of any of the said courts at any place in the East Indies :" so that the distinction between the local jurisdiction the court, and the personal jurisdiction of the court, is very distinctly recognized, and that there may be persons within the local limits of the jurisdiction who are not personally subject, acknowledging a distinction between the local and the personal jurisdiction.

A question then arises whether a native who is an officer of a Provincial Court, a Gaoler, for instance, and who as such may be considered as a person in the service of the East India Company, is subject to have an *habeas corpus* directed to him in his character of Gaoler, for the purpose of bringing up a native prisoner in his custody before the Supreme Court at Bombay. If we are right in supposing that there never has been any intention of giving to the Supreme Court a control over the proceedings of the Provincial Courts, if a regular succession of appeals has been established from

the Provincial Courts up to the highest appellate tribunal and in cases of sufficient magnitude to justify it to your Lordships at this Board, passing by the Supreme Court, and proceeding in a course of judicature entirely distinct from that of the Supreme Court, it is a most important question whether the course of proceeding is to be entirely evaded, on a ground very similar to that acted upon between 1773 and 1781. At that time certain natives, because they held land, or because they were employed in certain transactions, were contended to be within the language of the Act of Parliament and charter, which subjected persons in the service of the East India Company to the jurisdiction of the Supreme Court. Let it be admitted for the argument that the gaoler of a Provincial Court stands in the character of a person in the service of the Company and that he would be liable, as such, to have an *habeas corpus* directed to him, if he, as an individual, detained any person in his custody. Does it, therefore, follow that his character as a servant of the Company would give a right to the court to direct an *habeas corpus* to that person, to bring up a person in his custody as a prisoner of the local court? Does it give a right to the Supreme Court to examine into the constitution of the court (for this has been asserted), and to review its proceedings ? It has been said the court must have before it all the regulations and laws by which the Provincial Court was constituted, whether such court be a part of the original establishment of the Mogul Government not yet altered, or whether it be a new court established under the authority given by Parliament to the Government to make regulations. All this, according to the doctrine contended for, must be brought before the court in the shape of a return, for the Supreme Court to judge, first, whether the Provincial Court has been legally constituted, its proceedings have been properly conducted. We humbly apprehend, that it is manifest from the whole tenor of the Acts of Parliament and charter, that no such jurisdiction was intended to be given. In the Regulating Act of 21st George III. (c. 70), Section 23, it is enacted "that the Governor General and Council shall have power and authority from time to time to frame regulations for the Provincial Courts and Councils." Here is a distinct legislative recognition of these Provincial Courts. A similar power is given to the Governments of Madras and Bombay to regulate the proceedings of the Provincial Courts of their Presidencies, and all those

regulations are subject to the revision of his Majesty in Council. They are all directed to be transmitted to the Secretary of State, and if not altered, they become the law of the provinces by which those courts are governed. It is quite clear, therefore, that the Legislature has distinctly recognized the existence of those courts, the manner in which they are to be regulated, and the law by which they are to be governed. The regulations for the government of the provinces require no registration in the Supreme Court; while those which bind the inhabitants of Calcutta, Madras, and Bombay, and all British subjects, must be registered in and approved by these courts.

Then we come to this section, (sec. 24) ; "That no action for wrong or injury shall lie in the Supreme Court against any person whatesoever exercising a judicial office in the country courts, for any judgement, decree, or order of the said court, nor against any person for any act done by or in virtue of the order of the said court." So that although a native should be in the service of the East India Company as an officer of a provincial court, and although a British subject should be a Judge of such a court, for acts done in such court, no action lies against him. The same language is to be found in the charters; but although no action is allowed to try whether the act was legal or not in the Supreme Court, yet it is contended that the legality of the proceedings may be examined through the medium of an *habeas corpus*. This appears an extraordinary argument; and seeing that there is no provision to that effect in any of the Acts, we venture to submit that there is no ground for issuing the writ.

We will now consider the charter recently granted to Bombay (*Morley's Dig.,* Vol. II., P. 638). This charter contains a clause on which the whole question turns, and but for which there would be no ground of argument. The clause (clause 10) runs thus : "That the said Chief Justice and the said puisne Justices shall, severally and respectively, be, and they are, all and every of them, hereby appointed to be Justices and Conservators of Peace, and coroners, within and throughout the settlement of Bombay, and the town and island of Bombay, and the limits thereof and the factories subordinate thereto, and all the territories which now are, or hereafter may be, subject to or dependent upon the Government of Bombay aforesaid, and to have such *jurisdiction and authority* as our Justices of our Court of King's Bench have and may lawfully

exercise within that part of Great Britain called England, as far as circumstances will admit." Now, is it possible to construe this section otherwise than as saying that they are to be Justices and Conservators of Peace throughout the Presidency of Bombay, and to have such jurisdiction and authority *secundum subjectam materiam* ? that is, as such Justices and Conservators of Peace as the Justices of the King's Bench, who we know are Justices of Peace, have and may exercise in that character throughout the whole realm of England, as far as circumstances will admit. Unquestionably, the Judges of the Supreme Court are so with respect to ail British subject throughout the provinces; and as such, the jurisdiction they have is of the nature of the jurisdiction which is possessed by the Judges of the King's Bench when acting as Justices and Conservators of Peace.

It is insisted, however, that by this clause all the powers of the Court of King's Bench in England are granted to the Supreme Court at Bombay, not merely throughout the settlement of Bombay, but throughout the territories subject to the Presidency of Bombay, unlimited in any manner whatever with respect to persons; and that the Court of King's Bench has authority to issue such a writ to any part of the provinces subject to the different Presidencies of India; a position into which it is not necessary to enter at large, but which, we apprehend, is founded upon an expression in one of Lord Mansfield's judgements (Cowle's Case, 2nd Burrows, P. 856), in which he mentions, "the plantations". In that very judgement, however, his Lordship says he does not recollect or know of any instance of a writ of *habeas corpus* having been issued to such dominions. Applications, he says, had been made to this Board upon the subject, and we all know that this Board has a general superintendence in matter of law over the colonies. If, therefore, an affidavit should be laid, before the court, in which some individual was bold enough to swear to circumstances giving a *prima facie* jurisdiction to it, according to the doctrine contended for, an individual imprisoned at the foot of the Himmalayah Mountains must be brought from thence to the Court of King's Bench at Westminster, provided that the Court of King's Bench should think fit to issue a writ. It is said that the court possessed this power, and

it was exercised when Calais was in the possession of this country. Of that there is no doubt. Calais sent members to Parliament, and at one period the law of England prevailed there. It is not necessary, however, to enter into this question.

We understand that a learned dissertation was made in the court below, founded on the doctrines of Lord Hale, in which a distinction is made betwen the *jura summi imperii* and the *jura mixti imperii* or *potestas jurisdictionis* (Hale's Analysis of the Civil Part of the Law of England, section 6th); and it was contended that though the Supreme Court has no jurisdiction in the ordinary sense of that word, that is no civil jurisdiction over natives; that is it has not criminal jurisdiction; that it has not equitable jurisdiction, that it has not that ecclesiastical jurisdiction; that it has not Admiralty jurisdiction, yet that it has a *potestas* to be exercised over all the subjects of the King.* Now it is remarkable, that in almost every part of this charter but that now under consideration, the words "power, jurisdiction, and authority" are to be found; but in this particular clause the word "power" is not found. It is very singular, that where so much is built upon the term power, as distinct from jurisdiction, the word expressing power should not be found. But what is jurisdiction as distinguished from power ? and what jurisdiction is this which is meant to be exercised ? In the Pandects, lib, ii, tit, 1, the nature of jurisdiction is fully discussed, and one of the commentators gives a definition of it in a single line, *"jurisdictionest notio quae jure magistratus competit.*"**

*Sir Peter Grant, in his judgement in the court below, after mentioning the distinction drawn by Lord Hale between *the jura summi imperii* and mixti *imperii,* proceeded to state Lord Coke's description of the Court of King's Bench, 4th Instit. cap. 7; and observed. "The third description of power possessed by this court has reference to the supreme ministerial authority which is lodged in it, altogether separate and distinct from its judicial jurisdiction or the power it exercises in the trying of cases, whether in the first instance or by way of appeal: being a sovereign *potestas imperii,* expressly described by Lord Coke as a power to correct errors and misdemeanors judicial; not by the way of trying, hearing, and determining, as in pleas of the Crown, but by issuing the prerogative and mandatory writs of the Crown; as of *habeas corpus, prohibition, mandamus,* and by bailing any person for any offence whatsoever."

**Cujacil paratitla in Pandecta, lib, ii, tit. 1: jurisdiction's proprie notio est quae jure magistratus competit, quae enim maridata a magistrateu, aut a lege specialiter magistratui delegata est, non jure suo competit; officio quidem magistratrus continetur sed jurisdictione non continetur.

It is said that the Supreme Courts are Courts of King's Bench, with all the authority of the King's Bench. In Wales the jurisdiction to the Court of Great Sessions is given by the 34th and 35th of Henry VIII, c. 28, nearly in the same words. They have been introduced too into the charters of the Courts of almost all his Majesty's colonies, and are, indeed, a general formula, of which the most extensive import must be qualified by the specific provision by which it is accompanied.

It is worth while to observe also, that a clause (sec. 4) of a similar description is to be found in the charter given to the Supreme Court at Fort William (Morley's Dig. ii., P. 551); and that clause is taken from a clause in the charter of the 26th Geo. II. page 446, of the charters of the Company, and which ordains directs, establishes and appoints, that "the Governor or President and Council of Fort William in Bengal for the time being, shall be Justices of Peace, and have power to act as Justices of Peace, and as Commissioners of Oyer and Terminer and general Gaol Delivery; and that they, or any three or more of them (whereof the Governor or President, or in his absence the senior of the Council then residing at Fort William aforesaid, to be one) shall and may hold sessions of the peace, and of Oyer and Terminer and Gaol Delivery respectively, in and for the said town or factory of Calcutta, at Fort William in Bengal, and other the factories subordinate thereto, and do all such other acts as Justices of Peace and Commissioners of Oyer and Terminer and Gaol Delivery, with such powers, jurisdictions, and authorities, and under such regulations and restrictions, as are herein before given, granted, limited, and appointed, concerning Justices of Peace and Commissioners of Oyer and Terminer and Gaol Delivery for the said town of Madraspatnam." The clause respecting Madras is found at page 430, and is in these words: "We do give and grant unto the said Company and their successors and do by these presents will, ordain, establish, and appoint, that the Governor or President and Council of Fort Saint George aforesaid for the time being, shall be Justices of Peace and have power to act as Justices of Peace in and for the said town of Madraspatnam, and in and for Fort Saint George, Fort Saint David, Vizapatam, the factories on the coast of Sumatra, and all other the factories

subordinate to Fort Saint George aforesaid, in the same or the like manner, and with the same or the like power as Justices of Peace constituted by any Commission or letter patent under our great seal of Great Britain, for any county, city, or town corporate in that part of our said kingdom called England, do or may exercise such office." It was right, when a Supreme Court was constituted, that the Judges of that court should also be declared to be justices and Conservators of Peace throughout the whole extent in which they had occasion to act at all, either in their ordinary jurisdiction, or their more extended jurisdiction; and it was then natural, that instead of giving to the Judges a jurisdiction assimilated to that of Justices of Peace by their commission, they should have a power as Conservators and Justices of Peace, of the nature possessed by the Judges of the Court of King's Bench, and such appears to be the manifest intention of this section.

It has been, too, contended on the other side, that the Supreme Court has the power of issuing all the mandatory writs of the Crown to all the courts, of whatever description, within the territories subject to the Presidency of Bombay. If that power existed under the former general clause, why does the charter proceed, after establishing Courts of Request and Quarter Sessions, "to grant and ordain that all the said Courts, and Justices and other Magistrates appointed for the town and island of Bombay, and the factories subordinate thereto, shall be subject to the order and control of the Supreme Court of Judicature, in such sort, manner and form, as the inferior courts and Magistrates of England are by law subject to the order and control of our Court of King's Bench; to which end the said Supreme Court is empowered and authorized to award and issue a writ or writs *of mandamus, certiorari, procedendo,* or error" (clause 59; Morley's Dig. ii., P. 677). Where was the use of this clause, giving the court this jurisdiction with respect to certain courts to be erected within the local limits of Bombay, if it had a general jurisdiction over every court established within the limits of the territories subject to the Presidency. The Court indeed had a further jurisdiction in its character of a Court of Oyer and Terminer.

In the statute of 34 Geo. III., chap. 52, which was the Charter Act preceding the last, a power is given to the Governor General of

Bengal to issue commissions of the peace in His Majesty's name, and to appoint Justices of Peace for the Province and Presidency, island, town and factory of Bombay, and the places belonging or subordinate thereto : and a clause is added, (sec. 153) declaring "that all convictions, judgements, orders, and other proceedings, which shall be had, made or pronounced by or before any Justice or Justices of Peace within any of the British settlements or territories in India, out of the court of Oyer and Terminer within and for the same, shall and may be removed by writ of *certiorari* into the court of Oyer and Terminer and Gaol Delivery, of and from the same Presidency, al the instance of any of the parties thereby affected or aggrieved."

A similar provision is also made with respect to convictions before the Zillah Magistrates, by the 53rd of the late King, in cap. 155, Sec. 105 by which a power of removing them by *certiorari* is given in the court of Oyer and Terminer of the Presidency. Now it is a maxim, that where the power of issuing the writ of *certiorari* is not expressly taken away, it exists by common law in the Court of King's Bench; and to oust their jurisdiction it must be taken away expressly. But here it is not the question of taking it away; but the question is of giving it expressly, and whether it would have existed at all unless so given. The Judges of the Court of Oyer and Terminer at Bombay are the Judges of the Supreme Court: but they do not take this superintending authority over the Zilla Courts *qua* Supreme Court; but a special authority is given to them for that purpose to issue a *certiorari* out of the Court of Oyer and Terminer. This tends strongly to show that the Supreme Court, as such, does not possess the power which is contended for.

Lord Tenterden.– "The conviction of the Justices of Peace may be removed by *certiorari* into the Supreme Court of the Presidency."

Into the Court of Oyer and Terminer, that court being constituted of the same persons. But the authority is not given to them as Judge of the Supreme Court, but as Justices of Oyer and Terminer.

The charter of Bombay does not suppose it confers an universal criminal jurisdiction, for it constitutes a court of Oyer and

Terminer and Gaol Delivery, to enable the court to exercise criminal jurisdiction. The power of civil jurisdiction is given specifically :– The persons to be subject to the jurisdiction are specifically pointed out. A general jurisdiction over the Provinces can never be supposed to be given unqualified, and with all the privileges and prerogatives of the Court of King's Bench. The Supreme Court is a civil court and a court of equity; and according to the rules of construction applied on the other side you give all, and then you give a portion; you give all the jurisdiction; you give as it were the whole estate, and then you dole out in detail these little beneficial legacies. Those who have already obtained the whole, are to have, under this rule of construction, something less than the whole.

With respect to Moro Ragonath (1 Knapp, 8), however, it is impossible to contend that such a power could have been given to the Supreme Court of Bombay as was attempted to be exercised in his case. He was residing at Poonah. It was wanted to remove a cause into the court of Bombay. A *habeas corpus* was granted on an affidavit, and a person of high rank, nearly related to the deposed family, was called upon to bring up the body of a boy of whom he was the natural guardian, but who it was stated was then unduly detained in his custody. The question arises immediatley, how was he subject to this jurisdiction? If he had resisted, and a scuffle ensued, how could an attachment have been issued against those who disobeyed the writ? By this power of issuing an attachment you give a local jurisdiction, which by the regular prescribed terms of the charter does not exist. If the party disobeying is of the designated class subject to the jurisdiction of the Supreme Court, he ought to be registered : this man was not registered, and therefore there seems to have been no jurisdiction at all in the Court to have issued the writ : and he never could have been guilty of contempt in disobeying it. Even the Roman Emperor tells his subjects they are not bound to obey where the Judge exceeds the limits of his territorial jurisdiction: Pand, lib. 2. tit. 1. sec. 20. *"extra territorium judicenti impune non paretur."*

With respect to the case of Bappoo Gunness (1 Knapp, 11), a writ of *habeas corpus* was directed to the gaoler of the Provincial

Court. If such jurisdiction in issuing the writ is allowed, every person acting under the authority of the Court on receiving such a writ, must bring up the body to the Presidency, or state in detail the reasons of the detention, by whom made, and so on. How could such officers state the circumstances with such precision as to obviate objection ? A return to a *habeas corpus* drawn at Delhi or Poonah would be found extremely deficient according to our forms. Those who framed these laws could never have overlooked that consideration, and it is clear they never intended to let in such a state of things at all.

It may be important to call your Lordships' attention to this circumstance, that provision is made in various Acts for the establishment and regulation of the Provincial Courts with a course of appeal. By the 37th Geo. III cap. 142, sec. 8, the regulations of the Governor General affecting the natives are to be formed into a code, and published in all the native languages, that the natives may know what is the law to which they have to look. This was a measure first adopted by the late Marquis Cornwallis, and found to be so highly beneficial that it was adopted by the Legislature, and made part of the law of the country.

There is a regular establishment of Provincial Courts, with a succession of appeals from the lowest court to a court of the highest appellate jurisdiction, both in criminal and in civil matters, established at the several Presidencies. The Court of Suddur Dewany Adawlut is the highest court of appeal in India in civil, as the Court of Suddur Nizamut Adawlut is the highest court of appeal in criminal cases. Both these courts are recognized by the 53rd Geo. III. (c. 155). A provision is also made for an appeal to His Majesty in Council, in cases above the value of £5000 from the Court of Appeal in India, passing by the Supreme Court. At Bombay, the numerous regulations concerning the Courts of Justice have with great labour and care been lately reviewed, and formed into a code. This code was published in 1827, and clearly shows that as much pains have been taken for the protection of the subject, to enable him to obtain redress from any injury which he may sustain from Provincial Courts or Magistrates in the territories of Bombay, as in any part of His Majesty's dominions. With respect to the improper

detention of persons, there are particular regulations, all which the Magistrates are bound by their oaths to carry into execution; and if they act corruptly they are subject to be proceeded against in the Supreme Court, for which there is a special provision by statute. In Regulation XII, the manner in which the senior Magistrate is to superintend all subordinate officers is pointed out, and by Regulation XIII, the Judge is bound to visit all the gaols, for the purpose of ascertaining whether persons are unlawfully detained there; he is to visit both the criminal and civil gaols, to notice to the officer concerned erroneous judgements, and to forward cases, if necessary, to the Suddur Foujdaree Adawlut for revised decision.

It is not intended to say that a man who is in the service of the Company as an officer of a Provincial Court is therefore exempted from the jurisdiction of the Supreme Courts in matters where he acts as an individual; but it is declared, that if he detains any person by the orders of the Provincial Court he is subject to no action for such an act, nor is the Judge subject to an action. The only proceeding against him in the Supreme Court is by information, in case of corruption. When a person is detained under the orders of the courts in the Provinces the Supreme Court cannot order such person to be brought up for the purpose of investigating his case. That court has no such superintending jurisdiction over the courts in the Provinces as that which Lord Coke in his fourth Institute states the Court of King's Bench to possess, by virtue of which it superintends and restrains the excesses of all the inferior jurisdictions of the country. Such an authority has not been given to the Supreme Court, and consequently the issuing of the writ of *habeas corpus* in the *cases* mentioned in the petition were illegal acts.

Mr. Denman, in reply.–The Supreme Court at Bombay is made a Court of Oyer and Terminer, it has also the jurisdiction of the Court of King's Bench in England, and it is as incident to that court that the present power is claimed.

It has express power (clause 59, Morley's Dig. ii. p. 677) over the Court of Requests and the Court of Quarter Sessions, "to issue

writs of *mandamus, certiorari, procedendo,* or error, and to punish any contempt thereof, or wilful disobedience thereunto, by fine and imprisonment". Now the question is asked, why the charter should give these particulars if they were already included in the general grant. Is this, then, the first time that in all the rolls of English Acts of Parliament an unnecessary power can be shown to have been created, or express terms to have been used, where they were superseded by clear implication, or that the figure of speech called tautology can be detected ? Unless the argument is pushed to that extent it is plainly worth nothing; and that it cannot be fairly pushed to that extent the experience of every session demonstrates.

But if this clause proves any thing it proves a great deal too much. The only writs enumerated in it are those of *mandamus, certiorari, procedendo,* and error. There is no mention of *habeas corpus in* this charter; yet it is stated on all hands that writs of *habeas corpus* have constantly issued; and if not, the *certiorari* for removing convictions and orders of Magistrates would be of little value. Why set aside the judgement against a man who has been convicted by a Justice, if the man is himself to remain in gaol, and the writ of *habeas corpus* cannot rescue him ?

It is admitted that within Fort William in Bengal the Supreme Court of Calcutta is authorized to issue writs of *habeas corpus* ; therefore within the territories of Bombay, as described in the fourth of his present Majesty (4 Geo. iv. c. 71), the same power must exist in this Supreme Court.

It is to be a court for all "the town and island of Bombay, and the limits thereof, and the factories subordinate thereto, and within the factories which now are, or hereafter may be, subject to or dependent upon; "with such powers as are given within Fort William in Bengal aforesaid, or the places subject to, or dependent upon, the Government thereof" (clause 10, Morley's Dig. ii. p. 645).

Thus appointed, they form a Supreme Court, which is "to have such jurisdiction and authority as our Justices of our Court of King's Bench have and may lawfully exercise within that part of Great Britain called England, as far as circumstances will admit" (clause 10). Here is a court with all the powers which the Court of

King's Bench possesses in this country. Then where is the exception which is to prevent its jurisdiction from attaching in any particular case ? We find it affecting actions, suits and indictments: as affecting criminal information, writs of *habeas corpus,* and the other high prerogative writs, it is nowhere to be found.

The single decision of Sir Thomas Strange (*Nagapah Chitty* v. *Rachummah*) has no relation to our question. A person that was not within the jurisdiction of the court at Madras had been actually brought within it by a fraudulent process of law.

The Chief Justice there decided (1 Strange's Madras Cases, p. 135), "That as where a native has been brought for some purpose to Madras by Government, against his will, and a third party, not concerned in bringing him here, attempts to take advantage of his being within the limits, to hold him to the jurisdiction, it seems to be agreed it is not to be permitted; much less ought it to be so in a case, where they were brought here, in their necessary defence against the injurious act of the plaintiff, of the consequences of which he would now take advantage to fix them, contrary to the maxim that no man should take advantage of his own wrong."

The whole effect, then, of the only case cited is this; that in a civil suit between individuals, where the defendant was clearly not within the jurisdiction, unless the plaintiffs fraudulent proceeding brought him within it, such a proceeding should not endure to the benefit to the wrong-doer and the prejudice of the party wronged.

It is truly stated, that no clause has expressly given the power of issuing mandatory writs; but as the existence of that power is unquestionable, since it has been always exercised, and can be traced to no origin but the erection of a Supreme Court with all the functions of the English King's Bench, we have here another proof, that the words erecting it are more than a mere formula, and have received their full effect. The statute of the 21st Geo. III. (c.70) is said to have made a difference not easily comprehended; for if its object really was to prevent the 13th Geo. III. (c. 63) from having so extensive an operation, the change would have been brought about by a plain enactment.

No judgement was delivered in this case, but the report of the Privy Council, which was affirmed by His Majesty, was.

"That the writs of *habeas corpus* were improperly issued in the two cases referred to in the said petition.

"That the Supreme Court has no power or authority to issue a writ of *habeas corpus* except when directed either to a person resident within those local limits wherein such court has a general jurisdiction, or to a person out of such local limits, who is personally subject to the civil and criminal jurisdiction of the Supreme Court.

"That the Supreme Court has no power or authority to issue a writ of *habeas corpus* to the gaoler or officer of a native court as such officer, the Supreme Court having no power to discharge persons imprisoned under the authority of a native court.

"That the Supreme Court is bound to notice the jurisdiction of the Native Court, without having the same specially set forth in the return to a writ of *habeas corpus* ."

Note :– Before this decision had been pronounced, the Supreme Court at Bombay had closed under the following circumstances. No return having been made on the 10th of October 1828 to the writ *alias habeas corpus* directed to Pandoorang Ramchunder, a *pluries habeas corpus* was ordered to issue, returnable immediately, and marked in the penalty of 10,000 rupees. To this writ also no return was made; and on the 23rd of February 1829, Mr. Justice Grant ordered an attachment to issue against Pandoorang, and that it should be directed to the Governor and Council, in order that they might execute it by such person or persons as they might depute for that purpose; he also directed a letter to be sent at the same time to the Secretary of Government to explain the reasons of the Court acting in this manner, and enclosing copies of the affidavits and proceedings in the case. Upon the receipt of this letter and writ, the Secretary replied, that it was the intention of the Government to persist in the line of conduct

expressed in the letter of the 3rd of October 1829, until they received orders from their superiors in England. After this reply, Mr. Justice Grant, on the 1st of April 1829, declared that the Court had ceased on all its sides, and that he would perform none of the functions of a Judge until the Court had received an assurance that its authority would be respected, and its process obeyed, and rendered effectual by the Government of the Presidency. *Asiatic Register,* vol. 28, p. 351, *et seq*.

[The letter patent, under which the existing High Courts in India were constituted, and which were issued under the Indian High Courts Act, 1861 (24 and 25Vict. c. 104), are dated severally as follows: Calcutta, 28th Dec. 1865; Madras, 28th Dec. 1865; Bombay, 28th Dec. 1865; North-Western Provinces, 17th March 1866. The letters patent are set out at length in Stat. R. and O. Rev. vol. iv. pp. 82-131. As to the jurisdiction of the High Courts, see Ilbert, *Government of India,* pp. 241-255. See also the same work, pp. 387-405 (application of English law to natives of India); pp. 406-463 (British jurisdiction in Native States).]

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UNTOUCHABLE WORKERS OF BOMBAY CITY

By G. R. Pradhan, Ph.D.

With a Foreword by Dr. B. R. Ambedkar, M. A., Ph. D., D. Se., Bar-at-Law, J.P.

FOREWORD

This treatise is a thesis which the author wrote in fulfilment of the requirements prescribed by the University of Bombay for the degree of Doctor of Philosophy in Arts. That was as accepted by the University, should constitute sufficient recommendation in favour of its merits and no such thing as a Foreword from me should have been thought necessary by the Author. I do not know why the Author feels the necessity of a word from me. Probably, that I do from the community whose life has been the subject-matter of this investigation is the reason which has led him to call upon me to write a Foreword and I gladly respond to his invitation.

The author has studied the life of the Untouchables in the City of Bombay under various heads and thus gives quantitative idea of the extent of the overcrowding, the earnings, employment, debts, etc. that prevails among the Untouchables. He has collected data which is certainly valuable. In any statistical investigation the question that arises is whether the cases studied are typical or not. The average to be normal, the cases investigated must be typical. There is no reason to suppose that his cases are not typical. It may, therefore, be taken that the picture of the life of the Untouchables he has given, is a true picture.

This study would have been of greater value if it had been a comparative study contrasting the social condition of the Untouchables with that of the Caste-Hindus. But that it is not. Such a study was all the more necessary in view of the opinion on the one hand and caste Hindus on the other, if it is proved that the Untouchable does not suffer by reason of his Untouchability. But if on comparison it is found that the Untouchable suffers in his earning, in his employment and in other respects in a competitive

society as aganist a caste Hindu and if this disadvantage is attributable to no factor other than Untouchability, then it will have to be admitted that the case for conversion was strong. But all that must await as comparative study. Such a study will have to be undertaken some day either by the author of this book or by someone else if the present study is to be a useful guide for understanding why the conclusions drawn by the author are what they are; and whether the differences if any in the condition of the touchables and Untouchables is due to any such social factor as Untouchability. As a preliminary to such an effort the booklet must be welcomed.

Rajgrih, Dadar **B. R. Ambedkar**[1]

10-2-1938.

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[1.]: Karnatak Publishing House, Bombay, 1938.

6

IS GANDHI A MAHATMA ?

Is Gandhi a Mahatma ? I am sick of this question. There are two reasons why this question annoys me. Firstly, I hate all the Mahatmas and firmly believe that they should be done away with. I am of the opinion that their existence is a curse to the nation in which they are born.

The reason why I say so is because they try to perpetuate blind faith in place of intelligence and reason.

Secondly, I do not know what exactly people understand by the word Mahatma.

Even then since the Editor of the 'Chittra' seems to be so adamant on getting a reply from me, I have decided to make earnest efforts to answer this question.

Generally speaking according to an ordinary Hindu in order to pass as Mahatma a person must have three things, namely his robe, his character and his particular doctrine. If these qualities are taken as a criterion for judging a Mahatma then in the eyes of ignorant and uneducated persons who look towards other for salvation Mohandas Karamchand Gandhi can be called a Mahatma. It is very easy for anybody to become a Mahatmas in India by merely changing his dress. If you are wearing an ordinary dress and leading an ordinary life even if you perform extraordinary noble deeds, nobody takes any notice of you. But, a person who does not behave in normal manner and shows some peculiar trends and abnormalities in his character, he becomes a saint or a Mahatma. If you put on a suit or ordinary dress and do something, people would not even like to look at you. But if the same person discards his clothes, run about naked, grows long hair, abuses people and drinks dirty water from the gutters, people fall at his feet and begin to worship him. In these circumstances if Gandhi becomes Mahatma in India there is nothing surprising. Had these things been practised in any other civilised country, people would have laughed at him. To a casual observer Gandhi's teachings appear to be very sweet and appealing. Truth and Non-violence

are very noble principles. Gandhi claims to preach *'Satya'* (Truth) and *'Ahimsa'* (non-violence) and people have so much liked it that they flock around him in thousands. I fail to understand why do they do so. Is it not a fact that thousands of years ago Lord Buddha gave the message of truth and non-violence to the world. No body except an ignorant fool or congenital idiot would give credit to Gandhi for originality in this matter. There is nothing new in the pronouncement that 'Truth and Non-violence' are necessary for the preservation of human civilisation. There is nothing new that Gandhi has added to the maxim. As I have already stated earlier Lord Buddha taught these principles thousands of years ago. Had Gandhi thrown some light over the intricate problems arising from the experiment of 'Truth and Nonviolence' this would have added luster to his Mahatmaship and the world would have remained under gratitude for ever. World is anxiously waiting for the solution of the two riddles, namely how to uphold the noble principle, of 'truth' and under what circumstances should violence be considered a 'right action'. Lord Buddha preached that attitude towards 'Truth' and 'Non-violence' should be pragmatic. What answer Jesus Christ would have given to this question, unfortunately we have no means to know. Perhaps Pilate did not allow him time enough, to answer this question. Has Gandhi answered this question? I do not find it anywhere. If we study his teachings and sermons we find that he is trading on other pepole's capital. 'Truth' and 'Non-violence' are not his original discoveries. When I seriously study Gandhi's character, I become exceedingly convinced that cunningness is more evident in his character than the seriousness or sincerity. According to me his actions can be likened to a base coin. His politeness is like the politeness of Urea Heap, case of the characters in the famous English novel 'David Copperfield'. He has managed to keep himself in the forefront by means of cunning and inherent shrewdness. A person who has faith in his capacity and character faces the realities of life in a bold and manly manner. He has no need to keep a dagger up his sleeve, Napolean always charged from the front. He did not believe in treachery and never attacked from behind. Treachery and deceit are the weapons of the weak. Gandhi has always used these weapons. For many years he had been declaring himself to be a humble disciple of Gokhale. Thereafter he had been admiring Tilak for many years. Afterwards he hated Tilak also. Everybody knows this. Everybody knows that unless he used the name Tilak for

raising funds he could not have collected 1,000,0000 for *Swarajya* Fund. Forgetting his personal relation and leaving aside other considerations, like a shrewd politician he attached the name of Tilak to the Fund.

Gandhi was staunch opponent of Christian religion. In order to please the Western world he often quoted from the Bible in times of crisis. In order to understand the working of his mind I have two other instances to quote.

During the Round Table Conference he told people, "I shall not raise any objection against the demands presented by the representatives of the Depressed Classes". But, as soon as the representatives of the Depressed Classes people placed their demands, Gandhi quietly forgot about the assurances given by him. I call it a betrayal of the people belonging to the Depressed Classes. He went to the Moslems and told them that he would support their 14 demands if they in turn opposed the demands placed by the representatives of the Depressed Classes. Even a scoundrel would not have done this. This is only one instance of Gandhi's treachery.

Nehru Committee's Report was presented in the open session of the Congress for discussion. Some amendments were to be made in the Report. All of you must be knowing about it. Mr. Jayakar was hired by Mr. Gandhi to oppose these amendments. These amendments were very vehemently opposed by Mr. Jayakar and his supporters. This is known to many people. But what were these amendments and why so were these forcefully opposed ? Not many people know the background of these amendments. I came to know about the opposition of Jayakar. (It is a fact I have no reason to question the truth about it) from people who had opposed the amendments. All this was made known by Pandit Motilal Nehru, and Mr. Jinnah who was betrayed by Mr. Gandhi. The corrections which were proposed to be made in the Nehru Committee Report were suggested by Mr. Jinnah for the benefit of his community. But, when Gandhi came to know about it, he thought, a great deal more had been given to the Moslems by Pandit Motilal Nehru than what he wanted to give originally.

In order to humiliate Pt. Motilal Nehru he vehemently opposed these proposals. Hindu-Moslem hostility is the result of the deceitful action on the part of Gandhiji.

The man who was considered to be a friend of the Untouchables and the Moslems betrayed the cause of the very same people whose cause he claimed to be a champion. This immensely pained me. There is an old saying which benefits the occasion (Bagal mein chhurri Munh mein Ram) : 'God's name on the lips and dagger under the armpit.' If such a person can be called a Mahatma, by all means call Gandhi a Mahatma. Accoding to me, he is no more than a simple Mohandas Karamchand Gandhi.

I have given more than what the Editor of the 'Chittra' demanded. I must have told a great deal more than what the readers of the Chittra can digest.

Apart from the incidents quoted herein, there are two more things that I shall tell and then close. The age of Ranade, Gokhale, Agarkar and Tilak and the movements started by them were different from the Gandhi age. Their age was the age of knowledge. There is absolutely no doubt about it. Gandhi's age can be called the '*Tamo Yug'* of India. The politics of Agarkar and Tilak was based on honesty and truth. It was not hollow and noisy. But the politics of Gandhi is hollow and noisy. It is the most dishonest politics in the history of Indian polity. Gandhi was the man responsible for eliminating morality from politics and instead introduced commercialism in Indian politics. Politics has been denuded of its virtue. 'When the salt has lost its savour, wherewith you shall salt it', asked Jesus Christ of the pharisees. How to get rid of the pernicious saintly idiosyncracies of Gandhiji in Indian public life is the second and most important question. If the Hindu India does not realize it today, it will take a long time to retrace its steps. Majority of the Indian population is illiterate, ignorant and uncivilised. This may not be the fault of the people. The privileged few of the society have deliberately kept the masses ignorant and illiterate. As a matter of fact it is impossible to fight against the Mahatma on the strength purely of logic and rationalism. It is fight between intellectualism against miracles and idiosyncracies.

Reason alone cannot wipe off the hypnotic effect of Mahatmic miracles. In these circumstances I would like to offer some suggestions. In order to put an end to the activities of the Mahatma, other Mahatmas should come forward to take active part in Indian public life and set up a political wing of their own. There is no *dearth* of the Mahatmas in India. Upasani Buva, Dada Maharaj, Mehar Baba, Narayan Buva Kedgaonkar are some of the famous names. Numerous saints and '*Mahatmas'* are present in India. They know the art of befooling and ensnaring the innocent people. True, the number of their followers is far less than followers of Gandhiji but their incapacity or lack of ability alone cannot be the reason for that. They have the ability and the strength to attain freedom along with the salvation for their Hindu masses. There are many reasons why they have not been able to know this. Owing to his dual policy and duplicity of character Gandhiji was able to succeed in creating a following by promising to attain spiritual and political liberation for all. I believe that if Uspani Buva, Narayan Maharaj etc. adopt the methods of Gandhiji undoubtedly they too would be able to establish the wing which can effectively face the blind followers of Gandhi. In this lies India's salvation. Having a number of parties in the country will be beneficial to this country at least for the time being. If an organisation is set up with these aims and objects, it would be able to serve the same purpose as was served by the *Apsaras* of the *puranas* namely the annihilation of their adversaries. And if this dose not happen and this organisation remains reactionary even then its existence would be useful. In this way, at least the pernicious creed of fascism which is spreading its tantacles all around will be stalled. I believe that if a Mahatma comes and places his Manifesto stating in a straight forward manner that he can achieve salvation, perhaps India will attain intellectual liberation. This is not a joke. This is no vilification or criticism of anybody. I am writing it with all the seriousness that I can command.

Will the Hindus by changing the minds of the Mahatmas like Dada Maharaj, Meher Baba or Narayan Buva try to serve India ?

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This article was published originally in Chittra (Marathi), Dipavali Special Number, 1938.

7

APPEAL FOR PURSE TO MARATHI SCHOLAR

Dr. Ambedkar states that it has been decided to give a purse to the wellknown Marathi scholar Mr. J. R. Ajgaonkar on his 60th birthday by his friends and admirers.

Dr. Ambedkar adds to say that the study of the old literature which Mr. Ajgaonkar made his life's mission has not yielded him any great return.

In his successful attempts to enrich the Marathi literature, it is found that the old scholar has been left poor and helpless, on the threshold of his 61st year. Some very regrettable domestic calamity, some time back, make it all the more necessary for the lovers of Marathi literature, to stand by the veteran scholar and help him in his time of need.

Dr. Ambedkar requests the public to send their contributions to the Purse as early as possible.

Sd/— B. R. Ambedkar

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[1]:Bombay Chronicle, dated 14th July 1939.
Date is not mentioned-Editors.

8

KNOWLEDGE IS POWER IN EVERY FIELD OF LIFE

Message to The Marhatha First Annual Journal

(" Marhatha " Special Number)

Ambedkar School of Politics, Poona

Estd. 30th July 1944

" Study, Service and Sacrifice "

MESSAGE

I have always held that Knowlege is Power in every field of life. The Scheduled Castes will not attain their goal of freedom and liberty until they drink deep of all knowledge. J trust, 'Ambedkar School of Politics, Poona' will make an honest attempt in that direction. The Marhatha First Annual Journal is a good attempt and I wish them all luck.

Sd/— B. R. Ambedkar

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Date of the publication is not available—Editors.

9

CONGRESS ATTEMPTS TO BYPASS UNTOUCHABLES

One of the most important days in the history of Indian politics was the 12th November 1930, the day on which late Majesty King George the 5th, formally inaugurated the Indian Round Table Conference. From the view point of the Indians it was an important incident; for the first time it recognised the right of Indians to be consulted in framing the constitution of their country. For the Untouchables it was a landmark in their history. They too were for the first time recognised to be represented separately by two delegates, the late Mr. Shrinivasan and my humble self. The Indian National Congress was the only body which did not take part in this Conference. The work of the Conference was distributed in nine committees, one of them being the Minorities Committee.

The Act of 1919 which emphasised necessity of protection of the Depressed Classes, actually did nothing. It was just a theoretical assertion. I, therefore, submitted a memorandum in which I pleaded for the following :-

(1) Equal citizenship for the Depressed Classes,

(2) Free enjoyment of equal right,

(3) Protection against Discrimination,

(4) Sufficient political power for the Depressed Classes to influence the legislative and executive action for the purpose of securing their welfare, which included-

  (a) right to adequate representation in the Legislature, and

  (b) right to elect their own men,

    (i) by adult suffrage, and by

    (ii) separate electorate for the first ten years, and there after by joint electrorates with reserved seats,

(5) Adequate representation in the services. It was emphasized to establish a Public Service Commission in all the provinces whose duties would be :

(a) to recruit the services in such a manner as to secure due and adequate representation of all the communities, and

(b) to regulate from time to time priority in employment in accordance with the existing extent of the representation of the various communities in any particular service concerned,

(6) Redressing against prejudicial action or neglect of interest,

(7) Special Departmental care, and

(8) Fair representation according to their population in the Cabinet.

Now let us ask what happened to these demands of the Untouchables ? We must turn to the report made by the Minorities Committee to the Round Table Conference. Items 16 and 18 tell us the determined attitude of the Depressed Classes in securing separate electorate for themselves. In brief, it was unanimously agreed that the Untochables were entitled to be recognised as a separate element in the political life of India. Here we must not forget that the unanimous agreement on the point of the separate recognition of the Untouchables was made possible only in the absence of the Indian National Congress.

To turn to the Second Round Table Conference we find that the Congress had its full representation in it. Every one was looking forward to the Congress to lead the Conference to success. Unfortunately, Mr. Gandhi was chosen to represent the Indian National Congress. A worse person could not have been found to guide the destiny of India. He presented a curious picture of a man, who in many cases would terrify the Conference to resist in every way any compromise which he regarded below his principle, though others would regard it absolutely as a prejudice and in other cases he would remain silent on the points of vital importance which was considered as a matter of principles by others. On 15th September 1931, Mr. Gandhi made his first speech in which he said that the problem of the Untouchables is not at all. He referred to the activities of the Social Conference, about which we know that the Congress did not allow this body to hold its annual session under the pandal of the Congress, merely because Mr. Tilak

had threatened to burn the pandal if it was allowed to be used by the Social Conference party. On 17th September 1931 in the Federal Structure Committee Mr. Gandhi fulminated the following words :

"Of course, the Congress will share the honour with Dr. Ambedkar of representing the interests of the Untouchables. They are as dear to the Congress as the interests of any other body or of any other individual throughout the length and breadth of India. Therefore, I could most strongly resist any further special representation."

Indeed, this was nothing but the declaration of war by Mr. Gandhi and the Congress against the Untouchables. He was making his plans to bypass the Untouchables and to close the problem by bringing about a settlement between the Hindus, Muslims and the Sikhs. It was being done quite confidentially. Knowing that this was a mischievous move I got up and said, "I should like to say that I have already presented our case to the Minorities Sub-Committee last time. But I do want to say most emphatically that whoever claims it, he cannot give it out of my share. I want to a make that absolutely plain." On this point Mr. Gandhi remained silent and went on contemplating about the pact between the Hindus, Muslims and the Sikhs. Mr. Gandhi failed to achieve success in this pact. He cut a sorry figure when he said that the failure in achieving the success was owing to the fact that the representation of the delegates was defective as all the delegates were nominated by the Government. This was an indirect challange to the authenticity of the representation made by me as the delegates of the Untouchables, Mr. Gandhi insisted that he was the sole champion of the Depressed Classes. To answer the challenge of Mr. Gandhi I said, "Even if the Depressed Classes of India were given a chance of electing their representatives to this Conference, I would all the same find a place here. I say, therefore, whether I am a nominee or not, I fully represent the claims of my community." In the course of my speech I also showed them a telegram which I had then received, the telegram was sent by a man whom I had never met, it was also sent from a place where I had never gone too. Not only this, telegrams after

telegrams poured in the Conference all in my support, it was a defeat for Mr. Gandhi, who was now forced to keep quiet and accept the inglorious defeat of so glaring a claim.

Thus is the old story of the end of all the efforts of the Minorities Committee to bring about a solution of the communal problem. It would not be an exaggeration to say that the main purpose of Mr. Gandhi in going to the Round Table Conference was to oppose the legitimate demands of the Untouchables. Mr. Gandhi would not mind the separate electorate of the Muslims or the Sikhs, but when the Untouchables ventured to be recognised as a separate entity, he made the bitterest condemnation of their demands. Mr. Gandhi had no logic, he had no principles. He had only the 'agony of his soul' which morally forced him to utter out those pious sentences against the Untouchables. He never dared to oppose the Muslims in the same sarcastic language. How could he ? He dared to oppose the demands of the Untouchables only because he anticipated that those Untouchables who were unpaid slaves of the Caste Hindus were being dragged out of the bond of slaverly, which in other words meant that the Caste Hindus would have to be bereft of the honorary serf who had added to their dignity for times unknown.

Although the Congress has been beating the drums of her most representative character, this incident plainly showed that the Congress was nothing but another name for the Caste Hindus. That is why we see the Congress more alert on the point of segregation of the Untouchables from the rest of the Caste Hindus. Had this objection been raised by any other body it would have been considered legitimate. But what axes had the Congress to grind when she talks on behalf of the Untouchables? Does this not mean that the Congress is apparently a Hindu body. The problem of the Untouchables was the problem of the Caste Hindus and the Congress was not a Hindu organisation, then why should she put her nose into the problem which was quite foreign to her own sphere ? She only wanted to lull the Untouchables into sleep for another thousand years by not allowing the legitimate rights for the Untouchables.

The Congress centred all its energies towards the neglect of the Untouchables. They approached the Muslims and devised a Scheme to bypass the Untouchables. Mr. Gandhi agreed to the fourteen points of the Muslims on the condition that they would not support the Untouchables and would withdraw their support to them. But thanks to the noble sense of humanity in the Muslims they rejected this offer made by the Congress and thus did not agree to isolate the Untouchables. In the Franchise Committee the Congress made another attempt to by-pass the Untouchables. Strange as it may appear some of the witnesses said that there were no Untouchables at all. This shows that how the Congress can conspire in a cold and calculated manner against the Untouchables out of pure Selfishness and do indirectly what he cannot do directly.[1]

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[1] : Jai Bheem : dated March 12, 1946.
Reprinted-Khairmode, Vol. 8, Pp. 43-48.

10

I DO NOT SHARE DEFEATIST MENTALITY

Message

The Scheduled Castes Federation lost the last general Elections.* Consequent upon its defeat some have deserted it, some have lost faith in it. I do not share this defeatist mentality. To win seats in Election is not the ideal of the Federation. To win seats for the Federation is only a means to an end. The end is to serve the people for whom it is established. So long as the problem remains, the Federation will continue in one form or the other.

The defeat of the Federation is to be welcomed. For it has helped to drive away the most undesirable element that had entered the Federation. Those who remain in Federation have greater responsibility falling upon them. To them my message is that after the defeat the Federation may appear like a weather worn tree, but it is certainly not dead at the roots.

(Sd.)

B. R. Ambedkar[1]

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* Held in 1946.

[1] : Jai Bheem : dated March 12, 1946.

Reprinted : Khairmode, Vol. 8, P. 48

11

OUR STUDENT SHOULD LEARN AND LEAD

A Message by Dr. Ambedkar to The All India Scheduled Castes Students, Federation Conference

Nagpur 25-27th Dec. 1946

The second conference of the 'All India Scheduled Castes Students' Federation' was held at Nagpur from 25th to 27th December 1946 with the aim of framing the constitution for the Federation*. The foundation of this organization was laid on 12th May 1945 with the First Conference at Bombay.

Dr. B. R. Ambedkar had a desire to attend this Conference to be held at Nagpur, but due to his prior appointments, he could not. However, he advised Mr. Jogendranath Mandal, Law Member, Interim Government of India to be the chairperson of this students' conference at Nagpur.

This Conference was a historic one. It was arranged within a very short period. The reception committee was formed on 16th December 1946 and the Conference was held between 25th and 27th Dec. 1946. In spite of this short period there were about three thousand boys and five hundred lady student delegates from all over India. The other visitors were about thirty thousand. The delegates from Bombay, UP, C. P. & Berar, Madras, Bengal, Hyderabad and Delhi were accommodated at Chokhamela Kanya Shala, New Colony, Nagpur.

This Conference was held in a spacious ground at Kasturchand Park in a nicely decorated pandal. Mr. Jogendranath Mandal was the President of the Conference. The huge crowd of forty thousand people greeted him at Nagpur Railway Station at 6.30 p. m. on 25th Dec. 1946. The 'guard of honour' was presented by ' Samta Saanik Dal' and 'National Muslim Guards'. He was also welcomed by leaders of Scheduled Castes Federation, Muslim League and Government Officials.

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* See Appendix—1

Message

" 2, Western Court,
New Delhi,
20-XII-1946.

My dear Gedam,*

I am very sorry that owing to my many pre-occupations I was not able to write to you earlier.

I am very glad to know that you have decided to hold a session of the All Indian Scheduled Castes Students' Federation separately from the Session of the All India Scheduled Castes Federation. It is a wise decision with which I entirely agree.

I have spoken to the Hon'ble J. N. Mandal. He is coming definitely to preside over your Conference. I wish I could come. But unfortunately this does not seem possible. I am, however, sending my good wishes for the success of the Conference. Our boys should learn two things. Firstly, to prove that given the opportunities they are inferior to none in intelligence and in capacity. Secondly, to prove that they are not merely to tread the path of personal happiness but to lead their community to be free, to be strong and to be respected.

If the Conference can inculcate upon the minds of our students these two objectives, it will have amply justified its existence. I am sure it will.

With kind regards,

Yours Sincerely,
B. R. AMBEDKAR."[1]

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* T. V. Gedam, General Secretary, C. P. & Berar Scheduled Castes Students' Federation.

[1] : Chahande V. D. ; Report of the Conference

12

Dr. BABASAHEB AMBEDKAR'S MESSAGE TO 'MARATHA MANDIR'

I could never have persuaded myself to believe that I was in any way qualified to give a message to the Maratha community as to what ideals and objectives it should pursue. Since I have been pressed by the organizers of the Maratha Mandir to say a few words stating my view as to what the Marathas seeking the advancement of their community may usefully do, I have agreed to respond to their wishes.

I am convinced that the Marathas-and this applies to every Backward Community-must attend to two things-to Politics and Education if they wish to avoid suppression. A community can keep afloat only if it is able to maintain a controlling influence on the State. However a minority community can maintain its supremacy in Society by having a controlling influence on the State, is well illustrated by the position of the Brahmins in India. Controlling influence on the State is essential because without it, it is not possible to give a direction to the policy of the State and progress depends upon the policy of the State.

It is equally essential to attend to education. It must, however, be borne in mind that what counts in the struggle for position between different communities, is not mere education but higher education. By higher education I mean education which will qualify a Maratha to hold what is a strategic post– a post from which he can survey, control and protect persons of his community from injustice. Here again the case of the Brahmin community is in point. The Brahmin Community is able to maintain itself against all odds, against all oppositions, it is due to the fact that strategic posts are held by Brahmins.

That being my view, I must say that Maratha Mandir would not be serving the community if it spent its energy on the easier tasks of spreading primary education or secondary education. The Governments of many Provinces in India have been planning for the spread of Primary education and many people in India are feeling a sense of satisfaction and even gratitude. I confess that this move for the spread of Primary education leaves me cold. Far from creating any enthusiasm in me, I look upon it as a snare. I cannot forget–I regret that most people are not even aware that the caste

system in India, the difference between the high and the low, between the Brahmins and the Non-Brahmins has lasted for centuries and bids fare to last for many more centuries, it is due to the educational disparity between the Brahmins and the Non-Brahmins. This disparity is not going to be removed by the spread of Primary education. The disparity in social position between Brahmin and Non-Brahmin can be removed only by adopting a policy of education whereby some Non-Brahmins will be so highly educated that they will destroy the monopoly of strategic posts which the Brahmins now have. I am of opinion that this duty of educating Non-Brahmins upto the stage necessary to qualify them for strategic posts, should be undertaken by the State. If the State does not do it, the Maratha Mandir should.

There is another point I like to mention. The middle class as compared with the aristocracy and the lower classes have certain faults which are the faults of that class all over the world. The middle class has not the generosity of the aristocracy to tolerate the advance of the lower classes. And it does not possess the idealism of the lower classes. This makes the middle class the enemy of both the classes. It hates the aristocracy because of its superior status. It hates the lower classes because it does not like it to rise equal to itself. The Maratha are the middle class of India and any one who has worked with them, will know that they have the faults of the middle class outlined above. There are two ways for the Marathas to proceed : one to join their superiors and to prevent the lower classes rising to the level or to join with the lower classes and destroy to those who are the superiors of both. There was a time when they joined the lower classes. Recently they have joined the higher classes. It is not for me to say which is the right path for them to follow. There is no doubt about it that the destiny of not only of others but of the Marathas themselves must depend upon which of the two roads they will choose. That must be left to the wisdom of the Leaders of the Marathas of which there appears to be great dearth.

(Sd.)

B. R. Ambedkar.[1]

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[1] Magazine Maratha Mandir's special Number, March 23, 1947.

13

NOT TO STOP UNTIL THE UNTOUCHABLES RECOVER MANHOOD

(Dr. Ambedkar's Message to the Readers of Jai Bheem)

" You have asked me to send you a message on my 55th birthday for your Special Number. It is an unfortunate fact that in India the political leader is placed on the same footing as the Prophet. Outside India, people celebrate the birthday of their Prophets. It is only in India that the birthdays of both Prophets as well as the politicians are celebrated. It is a pity that it should be so. Personally, I do not like the celebration of my birthday. I am too much of a democrat to relish man-worship which I regard as perversion of democracy. Admiration, love, regard and respect for a leader, if he deserves them, are permissible and should be enough for both, the leader and the followers. But worship of the leader is certainly not permissible. It is demoralising to both. But I suppose this is all beside the point. Once a political leader is placed on the same footing as the Prophet, he must play the role of the Prophet and give a message to his followers in the same way as Prophet did.

What message can I give to the Untouchables ? I cannot give them a message but I can tell them a tale from Greek Mythology and point out the moral. This tale is contained in a Homeric Hymn addressed to the Greek Goddess Demeter. This Hymn to Demeter relates how the great Goddess, in the course of her wanderings in search of her daughter, came to the court of Keleos. No one recognised the Goddess under the borrowed form of a humble wet-nurse ; and Queen Metoneira entrusted to her care her latest born child the infant Demophoon, afterwards known as Tripltolemos.

Every evening, behind closed doors, while the household was asleep, Demeter took little Demophoon out of his comfortable cradle and with apparent cruelty, though moved in reality by a great love and desires of bringing him eventually to

the state of Godhood, laid the naked child on a glowing bed of embers. The child, Demophoon endures the fiery charcoal, he gathers strength from the ordeal. Something Superhuman is fostered in him, something robust, something beyond all hope glorious. But Metoneira becoming anxious, says the legend, burst suddenly one evening into the room where the experiment was being carried on and guided by her mistaken fears, thrust aside the goddess at her work of foregoing the superman, pushed away the embers and took away the child with the result that she saved the child but lost the Superman and eventual God".

What does this tale teach ? To my mind, it teaches that greatness can be achieved only by struggle and sacrifice. Neither manhood nor Godhood can be obtained without going through the ordeal of fire. Fire purifies, fire strengthens, so does struggle and suffering. No down-trodden man can achieve greatness unless he is prepared for struggle and suffering. He must be ready to sacrifice the comforts and even the necessities of the present for building up his future. To use the language of the Bible for the race of life all are called but only few. are chosen. Why ? The reason is obvious. Most down-trodden men fail to achieve greatness in this race of life because they have not the courage nor the determination to sacrifice the pleasures of the present for the needs of their future.

Can there be a better and a greater message than what is contained in this legend ? I can find one. It is the best and the most appropriate message I can think of for the Untouchables. I am aware of their struggle and their sufferings. I am aware that in their struggle for liberty they have suffered more than I have. With all this, I can give them no other message. My message is struggle, and more struggle, sacrifice and more sacrifice. It is struggle and struggle alone without counting the sacrifices or sufferings that will bring their emancipation. Nothing else will.

The Untouchables must develop a collective will to rise and resist and must believe in the sacredness of their task and develop a command determination to achieve their goal. Their

task is so great and the purpose so noble that as Untouchables should join in a prayer and say :

"Blessed are they who are alive to the duty of raising those among whom they are born. Blessed are they who vow to give the flower of their days, their strength is of soul and body and their mite, to further the campaign of resistance to slavery. Blessed are they who resolve-come good, come evil, come sunshine, come tempest, come honour, come dishonour - not to stop until the Untouchables have fully recovered their manhood".[1]

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[1] : Jai Bheem, Madras, Dr. Ambedkar's Birthday Special Number, April 13, 1947.

14

PREFACE TO ' THE ESSENCE OF BUDDHISM '— THIRD EDITION

The author of this book was Prof. P. Lakshmi Narasu. While I have great pleasure in introducing this book to the public I confess that I had not met the author and known very little about his personal life. I have tried to obtain whatever details that could be gathered about his personal life and literary work. For this purpose, I have found Dr, Pattabhi Sitaramayya to be the source. He knew Prof. Narasu personally and was a friend of his. I give below the main facts in the life of Prof. Narasu as given to me by Dr. Pattabhi.

Prof. P. Lakshmi Narasu, B.A., was a prodigy of the last century. He was a graduate in Physics from the Madras Christian College. From being a tutor and demonstrator, he rose to the position of an Assistant Professor by 1897 and was given full charge of Physics and Chemistry for the B. A. classes in 1898-99, during the absence of Prof. Moffatt, the permanent Professor of Physics on leave. Prof. Moffatt was a raw youth who was appointed to the professorship over the head of Prof. Narasu who had already won his distinction in Physics in the sphere of wireless telegraphy – which in the nineties of the last century as yet in its infant stage of progress. During the years 1898 and 1899 Prof. Narasu, as he used to be called in those days, was already an Examiner in Physics and Chemistry — both for B. A. and M. A. Examinations. Prof. Narasu was particularly strong in Dynamics. Once when an alteration arose over the correctness of a question in Dynamics, Prof. Wilson, a hot-headed Englishman who was Professor of Chemistry in the Presidency College, Madras and Chairman of the Board of Examiners in Physics and Chemistry, questioned the correctness of the view expressed by Prof. Narasu regarding some problem in Dynamics. Prof. Narasu took up the challenge at once. ' Do you want to teach me, Mr. Narasu' asked the arrogant Wilson to which in reply Prof. Narasu retorted -after working out the problem — ' I am glad I am teaching Prof. Wilson something in Dynamics.' The incident is of interest to us fifty years after its occurrence, because it shows

that Prof. Narasu was an Iconoclast. Prof. Narasu was a Social Reformer. He fought caste to the best of his ability and raised the standard of Revolt against its tyranny in Hinduism, so early as in the nineties of the 18th century. He was a great admirer of Buddhism and gave courses of lectures on the subject week in and week out. He was highly popular with his students over whom he exercised a magical personal influence so as to broaden their outlook and widen their visions. His sense of self-respect, both personal and national was of a high order and he did not stand the arrogance and sense of self-superiority of his European colleagues to whom he was always ready to give their due in the domain of scholarship but at whose hands he would not take insults lying down.

Prof. Narasu's eminence as an Educationist did not take long to obtain general and widespread recognition and era long he was promoted to the Principalship of the Pachiappa's College.

Prof. Narasu was a highly public-spirited citizen and took active part in the organization of a body known as the ' National Fund and Industrial Association' under whose auspices, petty donations were being collected with which aid was rendered to students who desired to go abroad for advanced technical education. Japan was the country which attracted the young man of the day and it was their ambition to learn the technique of various small industries and manufactures - notably - soap making, enamelling and paints manufacture and so on. But the Professor's one sin was social reform and in Buddhism he found his solace. He was one of the earliest to discern the evils of the caste system, early marriages and prohibition of widow marriage and it was then considered in Reform Circles a matter for gratification that one of his brothers was a practical Social Reformer, having married a widow. That was the era when Christian Missionaries were not only countenancing the social reform movement but viewed it with high favour as marking a half-way house between orthodox Hinduism and conversion to Christianity. It did not take long for them to change their views and look upon such progressive movements as constituting a real hindrance to proselytization. Prof. Narasu was the stalwart of the 19th century who had fought European arrogance with patriotic fervour, orthodox Hinduism with iconoclastic zeal, heterodox Brahmins with nationalistic vision and aggressive

Christianity with a rationalistic outlook - all under the inspiring banner of his unflagging faith in the teachings of the Great Buddha.

In recent times many people from different parts of India have been asking me to recommend a good book on Buddhism. In responding to their wishes, I felt no hesitation in suggesting Prof. Narasu's book. For, I think that it is the best book on Buddhism that has appeared so far. Unfortunately, the book has been out of print for a long time. I, therefore, decided to reprint it so that the desire of those who have an interest in the teachings of Buddhism may have in their hand a text which is complete in its treatment and lucid in its exposition. I must thank the representatives of the old firm of Varadachari and Co., Madras, who held the copy right of the original publication for permission to reprint the book.

In writing this foreword to this reprint, it was my intention to deal with some of the Criticisms which have been levelled against the teachings of Buddha by his adversaries—past and present. I have given up that intention for two reasons. In the first place, my health will not permit me to engage myself in this task. Secondly, I am myself working on a Life of Buddha and I think that I could deal with this matter better in my own work wherein I could do more justice to it than in a foreword to another man's work. I have taken this decision more especially bacause I am sure that the reader of Prof. Narasu's book will not suffer in any way as a result of my decision.

B. R. Ambedkar.[1]

"RAJ GRAHA,"
HINDU COLONY, DADAR,
BOMBAY 14.
10 th March 1948.

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(First edition 1907, Second edition 1912)

1 : Third edition 1948 by Thacker and Co. Ltd, Rampart Row, Bombay.

15

INDIA'S ANCIENT PAST GAVE PLACE TO PESSIMISM

' RASHTRA RAKSHA KE VAIDIK SADHAN ' BY SWAMI VEDANANDA TEERTHA

PREFACE

I am asked to write a Preface to the booklet by Swami Vedananda Teertha. Owing to pressure of work I had declined to accede to the request of the author. But as he has been insisting on my writing a few words, I have agreed to do so. The author's plea is that free India should adopt as its religion the gospel preached by the Vedas which is scattered all over the Vedas and which he has collected together in one place in this booklet. I do not know that the book will become the gospel of new India. But I can say that the book is not merely a wonderful collection of statements drawn from the Religious Books of the ancient Aryans but it brings out in a striking manner the vigour of thought and motion which prevailed among the ancient Aryans. What the book shows is that there is nothing in it of that pessimism among the ancient Aryans which dominates the modern Hindus. The work would have been of greater value if the author had considered why the positivism and optimism of India's ancient past gave place to the pessimism of later days. I hope that the author will deal with this problem at some later stage. In the meantime it is no small contribution to our knowledge that the theory that world is *Maya* is a new invention. It is from this point of view that I commend this booklet.

B. R. Ambedkar [1]

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[1]: Swami Vedananda Teertha (1892-1956)—*Rashtra Raksha Ke Vaidik Sadhan*—1948

16

THE MEANING OF THE WORD 'RECEIPT'

The point at issue is the meaning to be given to the word *receipt* occuring in clause (2) of Article 198. Does it mean receipt by the Secretariat of the Legislative Council or does it mean by receipt by the *Legislative Council* ? The distinction is of course important because it determines the starting point of the period of limitation which is fourteen days for a money Bill. The matter is referred to the Goverment of India for opinion because there is a difference of opinion between the R.L.A. and the Advocate General of Bihar, the R.L.A. upholding the former interpretation and the Advocate General the latter.

There are three contentions relied upon by the R.L.A. :—

(1) Clause (2) of Article 198 speaks of 'Fourteen days from the date of its receipt.'

(2) There is a difference between the language used in clause (2) (b) of Article 197 and that used in clause (2) of Article 198.

(3) The delay that may occur in getting through a money Bill if the contention of the Advocate General of Bihar was accepted as valid.

I will deal with these contention seriatum.

Taking up the first contention of the R.L.A. I find his argument is vitiated by his failure to note the following points-

(1) The R.L.A. picks out the words 'its receipt of the Bill' from clause (2) of Article 198 and builds up his argument. He contends that in using the words 'its receipt' the intention of the Constitution was only to provide for a vicarious receipt by the Secretariat of the Upper Chamber and not actual receipt by the Chamber. But the altogether omits to take into account the words 'transmitted to the Legislative Council for its recommendations' which also occur in clause (2) and

which in opinion are the key words of the clause. The words 'its receipt' by themselves are quite unimportant. Their meaning must be derived by reading them in conjunction with the words 'transmitted to the Legislative Council for its recommendation.' So read they cannot mean receipt by the Secretariat.

(2) The R.L.A. has not taken into consideration the provisions of clauses (3) and (4). He relied upon clause (5) to justify the result. But he forgets that clause (5) becomes operative only when the steps laid out in clauses (3) and (4) of Article 198 have been gone through by the Legislative Council. Clauses (3) and (4) require that the Council has been in Session and has had an opportunity to consider the Bill.

The rule of construction adopted by the R.L.A. is not a sound rule of construction. The correct rule relevant to the issue is the rule known as *ex vicerius actus*. It has the authority of no less a person than Coke. Says Coke: "The office of a good expositor of an Act of Parliament is to make construction on all the parts together, and not of one part only by itself..... It is the most natural and genuine exposition of a Statute to construe one part of a Statute by another of the same Statute, for the best expresseth the meaning of the makers " (Quoted in Craie's, P. 95).

The Second contention of the R.L.A. is founded on difference in the language in clause (2) (b) of Article 197 and clause (2) of Article 198. It is true that difference in language exists. It is also true that difference in language can be relied upon by interested parties as an argument in support of the contention that the intentions in two cases are different. As against the argument of the R.L.A. I wish to urge the following considerations–

The original language of clause (2) (b) of Article 197 was the same as that of clause (2) of Article 198. Altogether four drafts of Article 197 were presented to

the Constituent Assembly. In the first three the language was the same as in Article 198. I have ascertained these facts from the records of the Constituent Assembly. In these circumstances various questions arise. Why was the language of Article 198 not changed when the language of Article 197 was changed ? What was the reason for changing the language of article 197 (2) (b) ? Was the language changed because the original intenion underlying Article 197 (2) (b) was changed ? Or was it because the intention was the same but it was fell that the new language expressed the same *old* and original intention better ? Is it difficult to give any definite answer to these questions? As far as my recollection goes we changed the language of Article 197 not because we changed our original intention but because it was felt that the changed language expressed our original intention better. In any case the argument based on difference in language is not at all decisive.

I realize that for a pedant this may not dispose of the argument based on difference of language. For it is possible to turn back and say if your intention in Article 198 was the same as in 197 (2) (b) why did you not follow suit and change its language when you changed the language of Article 197 (2) (b) and bring it in line ? To this argument my reply is very simple. It is wrong to argue that in every case difference of language means difference of intentions. For it is a well accepted proposition that the intention may be the same though it is experssed in different words. In this connection I would like to quote the following extract from Craie's on Statute Law :

> "But although, as has been said, this presumption is generally to be made, and "it is certainly to be wished", as the Judicial Committee said in Casement v. Fulton (i), "that, in framing statutes, the same words should always be employed in the same sense"; still, there are many instances to be found of the Legislature departing from language previously used for the purpose of conveying a

certain meaning without intending to depart from that meaning. "When the Legislature," said Blackburn, J., in R. V. Buttle (k), "change the words of an enactment, no doubt it must be taken *prima facie* that there was an intention to change the meaning." This, however is not necessarily so, for we find, as a matter of fact, that, as Blackburn, J. observed in Hadley v. Perks (1), "in drawing Acts of Parliament, the Legislature, as it would seem, to improve the graces of the style, and to avoid using the same words over and over again, constantly change" the words without intending to change the meaning. Thus, in Re Wright (m), Mellish, L.J., said, with regard to the departure in the Bankruptcy Act, 1869, from the language used in the repealed Bankruptcy Act, 1849; "Every one who is familiar with the present Act knows that the language of the former Acts has been very much altered in many cases where it could not have been intended to make any change in the law." In Actt.-Gen. V. Bradlaugh (n), it was contended that the word "made" in the expression in the Parliamentary Oaths Act, 1866, "the oath shall be made," was to be construed as if it were different from the word "taken". "But," said Brett, M. R., "it seems to me, looking at the Preamble, and at the manner in which the word is used, that the word 'made' has precisely the same effect as if it were "taken".

In Monteith *v.* McGavin (o), Lord Cottenham said that "when Parliament provides for a particular mode of proceeding in one particular case, and makes no such provision in another case, it must not, as a general rule, be assumed that this arises from mere negligence or inattention in the framers of the Act." But, as Brett M. R. said in Nottage *v.* Jackson (p), "persons who draw Acts of Parliament will sometimes use phrases that nobody else uses; consequently we do sometimes meet with expressions in statutes which we are compelled to believe were introduced, not for any specific purpose, but in consequence of the slovenliness of the draftsman." Thus, in R. *v.* Buttle (q), the question was whether, when 26 & 28 Vict. c. 29, s. 7, enacted that "no statement made by

any person in answer to any question put by [certain] commissioners shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding," the expression "indictments for perjury" applied to perjury in general, or only to perjury committed before the commissioners. It appeared that a previous statute has contained a similar provision, but that the expression used in that statute was "indictments for perjury committed in such answers"; consequently it was argued that the Legislature intended a change of meaning by this change of words. It was held, however that to put upon the expression used in the later statute the meaning contended for would be subversive of one of the most important principles of the common law, and that it must be supposed, therefore, that there was no reason at all for altering the language used by the earlier statute, and that, as Kelly, C. B., said, "whoever framed the statute did it in a slovenly way, and showed great want of care in drawing it." So also, if it appears that the older statute contains words of surplusage, these words may very well be left out in subsequent Act without there being any intention on the part of the Legislature to alter the law. "It appears to me," said Mellish, L. J., in Re Wood (r) "that the framers of this [later] Act thought it would be an improvement to omit words as to intent in the cases where it was not necessary to prove such an intent, the words being then surplusage and misleading; and I think they may have very properly left out without in any way altering the law."

With regard to his third contention I must say that I am not at all impressed by it. There are two causes of delay that may be apprehended. Delay is caused by the Council though in Session and in receipt of the Bill. Delay is caused by the Council not being in Session when the Bill is transmitted. No delay beyond fourteen days can take place at the hands of the Council nor can any harm be done to the Assembly if it does take place. For there is a penalty for it and which is provided for in clause (5). Delay following upon the Council not being in session at the time when the Bill is transmitted cannot be due to any fault of the Council. It is those who are responsible to advise the Governor to call a Session of the Council are responsible for such delay. If they wish to get the benefit of clause (5) they should call the Session of the Council immediately and give it fourteen days and avoid delay. It is in their power. But

they cannot have it both ways. To permit them the discretion to call or not to call the session of the Council and at the same time to allow them to take the benefit of clause (5) is not only to give them the freedom to cheat one House of the Legislature but to play a fraud upon the Constitution. This is exactly what the Bihar Government has done. When a money Bill is transmitted to the Upper Chamber it is the duty of the Government to call a Session of the Council and it is a matter which is entirely and exclusively with its power. If it does not do so it cannot take advantage of clause (5) of Article 198.

For these reasons I agree with the view taken by the learned Advocate General of Bihar and reject the view of the learned R.L.A.

I have dwealt with the arguments of the R.L.A. at such a considerable length only out of respect for him. Otherwise I would have summarily rejected it. The point to my mind is not at all abstruse. It is so plain that a man having nothing more than common-sense could have understood that the intention of the framers of the Constitution was. What the Government of Bihar has done is a deliberate and calculated act of fraud. I refuse to believe that what it has done is done out of want of understanding. I cannot help saying that the Government of Bihar has descended to the low level of a common cheat. I feel so strongly about it that I do not mind my sentiments in this respect being conveyed to the Bihar Government.

Before I conclude I would like to raise a question which is solely for the consideration of the Law Department. We are getting a large number of references from State Government for advice on disputed points arising out of the Constitution. We entertain these references and give our advice. That advice is followed and becomes part of the Constitutional usage. I wonder if we are acting wisely in doing this. Would it not be better to leave the parties to act as they think and take their chance in Court ? For as pointed out by Craie's (Statute Law, p. 140) usage becomes an important element in the interpretation of a Statute. By our advice we set up a usage and thereby support a particular interpretation which in the absence of it may not be supportable and if our advice is wrong we become

responsible for a wrong interpretation. Perhaps the practice is a long standing practice and I realize that it is difficult to discontinue it. All the same it is well to remember the length to which our responsibility in these matters does go.

B. R. Ambedkar

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As regard to this article, the then officer on special Duty, Dr. Babasaheb Ambedkar Source Material Publications Commitee, noted that the papers were found in the record received by the Government from the Administrator General, Maharashtra State in 1979. This note is signed by Dr. Ambedkar.

—Editors.

17

BUDDHA AND FUTURE OF HIS RELIGION

I

Out of the many founders of Religion, there are four whose religions have not only moved the world in the past, but are still having a sway over the vast masses of people. They are Buddha, Jesus, Mahommed and Krishna. A comparison of the presonalities of these four and the poses they assumed in propagating their religions reveals certain points of contrast between the Buddha on the one hand and the rest on the other, which are not without significance.

The first point which mark off Buddha from the rest is his self-abnegation. All throughout the Bible, Jesus insists that he is the Son of God and that those who wish to enter the kingdom of God will fail, if they do not recognise him as the Son of God. Mahommed went a step further. Like Jesus he also claimed that he was the messenger of God on earth. But he further insisted that he was the last messenger. On that footing he declared that those who wanted salvation must not only accept that he was a messenger of God, but also accept that he was the last messenger. Krishna went a step beyond both Jesus and Mahommed. He refused to be satisfied with merely being the Son of the God or being the messenger of God; he was not content even with being the last messenger of God. He was not even satisfied with calling himself a God. He claimed that he was '*Parameshwar*' or as his followers describe him "*Devadhideva*" God of Gods. Buddha never arrogated to himself any such status. He was born as a son of man and was content to remain a common man and preached his gospel as a common man. He never claimed any supernatural origin or supernatural powers nor did he perform miracles to prove his supernatural powers. The Buddha made a clear distinction between a *Margadata* and a *Mokshadata*. Jesus, Mahommed and Krishna claimed for themselves the *Mokshadata*. The Buddha was satisfied with playing the role of a *Margadata*.

There is also another distinction between the four religious teachers. Both Jesus and Mohammed claimed that what they taught was the word of God and as a word of God what they taught was infallible and beyond question. Krishna was according to his own assumption a God of Gods and therefore what he taught being a word of God, uttered by God, they were original and final and the question of infallibility did not even arise. The Buddha claimed no such infallibility for what he taught. In the *Mahaparinibbana Sutta* He told Ananda that His religion was based on reason and experience and that his followers should not accept his teaching as correct and binding merely because they emanated from Him. Being based on reason and experience they were free to modify or even to abandon any of his teachings if it was found that at a given time and in given circumstances they do not apply. He wished, His religion not to be encumbered with the dead wood of the past. He wanted that it should remain evergreen and serviceable at all times. That is why He gave liberty to His followeres to chip and chop as the necessities of the case required. No other religious teacher has shown such courage. They were afraid of permitting repair. As the liberty to repair may be used to demolish the structure they had reared. Buddha had no such fear. He was sure of his foundation. He knew that even the most violent iconoclast will not be able to destroy the core of His religion.

II

Such is the unique position of Buddha. What about his religion ? How does it compare with those founded by his rivals ?

Let us first compare Buddhism with Hinduism. In the short space available the comparison must be limited to a few important points indeed only to two.

Hinduism is a religion which is not founded on morality. Whatever morality Hinduism has it is not an integral part of it. It is not imbeded in religion. It is a separate force which is sustained by social necessities and not by injunction of Hindu religion. The religion of the Buddha is morality. It is imbeded in religion. Buddhist religion is nothing if no morality. It is true that in Buddhism there is no God. In place of God there is morality. What God is to other religions morality is to Buddhism.

It is very seldom recognised that He propounded a most revolutionary meaning of the word *"Dhamma"*. The Vedic meaning of the *word "Dharma"* did not connote morality in any sense of the word. The *Dharma* as enunciated by the Brahmins and as propounded in the *Purvamimansa* of Jamini meant nothing more than the performances of certain *karmas* or to use terminology of the Roman religion observances. *Dharma* to Brahmins meant keeping up of observances, i.e. *Yagans, Yagas* and sacrifices to Gods. This was the essence of the Brahmanic or Vedic Religion. It had nothing to do with morality.

The word *Dhamma* as used by the Buddha, had nothing to do with rituals or observances. In fact he repudiated the *Yagas* and *Yagnas* as being essence of religion. In place of *Karma* he substituted morality as the essence of *Dhamma*. Although the word *Dhamma* was used by Brahmanic teachers as well as by the Buddha, the content of both is radically and fundamentally different. In fact, it might be stated that the Buddha was the first teacher in the world who made morality the essence and foundation of religion. Even Krishna as may be seen from Bhagvat Geeta was not able to extricate himself from the old conception of religion being equivalent of rituals and observances. Many people seem to be lured by the doctrine of *Nishkam Karma* other wise called *Anasaktiyoga* preached by Krishna in the Bhagvat Geeta. It is taken to mean in Boyscout sense of doing good without the expectation of reward. This interpretation of the *Nishkam Karma* is a complete misunderstanding of what it really means. The word *Karma* in the phrase *Nishkam Karma* does not mean, action in the generic sense of the word *Kanna* meaning 'deed'. It is used in its original sense in which it is used by the Brahmins and Jamini. On the point of observances there is only one point of difference between Jamini and the Bhagvat Geeta. The observance which used to be performed by the Brahmins fell into two classes :

(*i*) *Nitya Karmas and*

(*ii*) *Naimitika Kaunas*

The *Nitya Karmas* were observances which were enjoined to be performed regularly for which reasons they were

called *Nitya* and as a matter of religious duty, for which there was not to be any expectation of reward. On that account they were also called *Nishkam Karmas*. The other category of *Karmas* was called *Naimitika* that is to say they were performed whenever there was occasion, that is, whenever there was a desire to perform them and they were called *Kamya Karmas* because from their performance some benefit was expected to come. What Krishna condemned in the Bhagvat Geeta was *Kamya Karmas*. He did not condemn *Nishkama Karmas*. On the other hand he extolled them. The point to be borne in mind is, even for Krishna religion did not consist of morality. It consisted of *Yagnas* and *Yagas* through of the *Nishkama Karmas* category.

This is one point of contrast between Hinduism and Buddhism. The second point of contrast lies in the fact that the official gospel of Hinduism is inequality. The doctrine of *Chaturvarna* is the concrete embodiment of this gospel of inequality. On the other hand Buddha stood for equality. He was the greatest opponent of *Chaturvarna*. He not only preached against it, fought against it, but did everything to uproot it. According to Hinduism neither a *Shudra* nor a woman could become a teacher of religion nor could they take *Sannyasa* and reach God. Buddha on the other hand admitted *Shudras* to the *Bhikkhu Sangha*. He also admitted women to become *Bhikkhunis*. Why did he do so? Few people seem to realise the importance of this step. The answer is that Buddha wanted to take concrete steps to destroy the gospel of inequality. Hinduism had to make many changes in its doctrines as a result of an attack made by Buddha. It gave up *Himsa*. It was prepared to give up the doctrine of the infallibility of the Vedas. On the point of *Chaturvarna* neither side was prepared to yield. Buddha was not prepared to give up his opposition to the doctrine of *Chaturvarna,* That is the reason why Brahmanism has so much more hatred and antagonism against Buddhism than it has against Jainism. Hinduism has to recognise the force of the Buddha's arguments against *Chaturvarna*. But instead of yielding to its logic Hinduism developed a new philosophic justification for *Chaturvarna*. This new philosophic justification is to be found in the Bhagvat Geeta. Nobody is able to say for certain what the

Bhagvat Geeta teaches. But this much is beyond question that the Bhagvat Geeta upholds the doctrine of *Chaturvarna.* In fact it appears that this was the main purpose for which it was written. And how does the Bhagvat Geeta justify it ? Krishna says that he as God created the system of *Chaturvarna* and he constructed it on the basis of the theory of *Guna - Karma*-which means that he prescribed the status and occupation of every individual in accordance with his innate *gunas* (or qualities). Two things are clear. One is that this theory is new. The old theory was different. According to the old theory the foundation of *Chaturvarna* was the authority of the Vedas. As the Vedas were infallible so was the system of *Chaturvarna* on which it rested. The attack of the Buddha on the infallibility of the Vedas had destroyed the validity of this old foundation of *Chaturvarna.* It is quite natural that Hinduism which was not prepared to give up *Chaturvarna* and which it regarded as its very soul should attempt to find for it a better foundation which the Bhagvat Geeta proposes to do. But how good is this new justification given by Krishna in the Bhagvat Geeta ? To most Hindus it appears to be quite convincing, so convincing that they believe it to be irrefutable. Even to many non-Hindus it appears to be very plausible, very enticing. If the *Chaturvarna* had depended only on the authority of the Vedas I am sure it would have long disappeared. It is the mischievous and false doctrine of the Bhagvat Geeta which has given this *Chaturvarna*-which is the parent of the caste-system-apparently a perpetual loss of life. The basic conception of this new doctrine is taken from the Sankhya philosophy. There is nothing original about it. The originality of Krishna lies in applying it to justify *Chaturvarna.* It is in its application that the fallacy lies, Kapila, the author of the Sankhya system held that there is no God, that God is necessary only because matter is believed to be dead. But matter is not dead. It is active. Matter consists of three *Gunas : Raj, Tamas and Satva. Prakriti* appears to be dead only because the three *gunas* are in an equilibrium. When the equilibrium is disturbed by one of the *gunas* becoming dominant over the other two, *Prakriti* becomes active. This is the sum and subtance of the Sankhya philosophy. There can be no quarrel with this theory. It is perhaps true. It may therefore be granted that each

individual as a form of *Prakriti* is made up of the three *gunas*. It may even be granted that among the three *gunas* there is a competition for dominance of one over the other. But how could it be granted that a particular *guna* in a particular individual which at one time—say at the time of his birth-happens to dominate his other *gunas* will continue to dominate them for all times, till his death? There is no ground for this assumption either in the Sankhya philosophy or in actual experience. Unfortunately neither Hitler nor Mussolini were born when Krishna propounded his theory. Krishna would have found considerable difficulty in explaining how a signboard painter and a bricklayer could become dictators capable of dominating the world. The point of the matter is that the *Prakriti* of an individual is always changing because the relative position of the *gunas* is always changing. If the *gunas* are ever changing in their relative position of dominance there can be no permanent and fixed system of classification of men into *varnas* and no permanent and fixed assignment of occupations. The whole theory of the Bhagvat Geeta therefore falls to the ground. But as I have said the Hindus have become infatuated by its plausibility and its "good look" and have become slaves of it. The result is that Hinduism continues to uphold the Varna system with its gospel of social inequality. These are two of the evils of Hinduism from which Buddhism is free.

III

Some of those, who believe that only the acceptance of the Gospel of Buddha can save the Hindus are filled with sorrow, because they do not see much prospect of the return or revival of Buddhism in India. I do not share this pessimism.

In the matter of their attitude to their religion, Hindus today fall into two classes. There are those who hold that, 'all religions are true including Hindu' and the leaders of other religions seem to join them in this slogan. There cannot be a thesis more false than the thesis that all religions are true. However this slogan gives the Hindus, who have raised it, the support of the followers of other religions. There are Hindus who have come to realize that there is something wrong with their religion, the only thing is that they are not ready to denounce it openly. This

attitude is understandable. Religion is a part of one's social inheritance. One's life and dignity and pride are bound up with it. It is not easy to abandon one's religion. Patriotism comes in "My country" right or wrong. "My religion" right or wrong. Instead of abandoning it the Hindus are finding escape in other ways. Some are consoling themselves with the thought that all religions are wrong, so why bother about religion at all. The same feeling of patriotism prevents them from openly embracing Buddhism. Such an attitude can have only one result. Hinduism will lapse and cease to be a force of governing life. There will be void, which will have the effect of disintegrating the Hindu Society. Hindus then will be forced to take a more positive attitude. When they do so, they can turn to nothing except Buddhism.

This is not the only ray of hope, there are hopes coming from other quarters also.

There is one question which every religion must answer. What mental and moral relief does it bring to the suppressed and the downtroddon ? If it does not, then it is doomed. Does Hinduism give any mental and moral relief to the millions of Backward Classes and the Scheduled Castes ? It does not. Do Hindus expect these Backward Classes and the Scheduled Castes to live under Hinduism which gives them no promise of mental and moral relief ? Such an expectation would be an utter futility. Hinduism is floating on a volcano. To-day it appears to be extinct. But it is not. It will become active once these mighty millions have become conscious of their degradation and know that it is largely due to the social philosophy of the Hindu religion. One is reminded of the overthrow of Paganism by Christianity in the Roman Empire. When the masses realized that Paganism could give them no mental and moral relief they gave it up and adopted Christianity. What happened in Rome is sure to happen in India. The Hindu masses when they are enlightened are sure to turn to Buddhism.

IV

So much by way of comparison between Hinduism and Buddhism, how does Buddhism, and in comparison with other non-Hindu Religions? It is impossible to take each of these non-Hindu Religions and compare with Buddhism, in detail.

All I can do is to put my conclusions in a summary form. I maintain that:—

(i) That society must have either the sanction of law or the sanction of morality to hold it together. Without either, society is sure to go to pieces.

In all societies, law plays a very small part. It is intended to keep the minority within the range of social discipline. The majority is left and has to be left to sustain its social life by the postulates and sanction of morality. Religion in the sense of morality, must therefore, remain the governing principle in every society.

(ii) That religion as defined in the first proposition must be in accord with science. Religion is bound to lose its respect and therefore becomes the subject of ridicule and thereby not merely loses its force as a governing principle of life, but might in course of time disintegrate and lapse, if it is not in accord with science. In other words, religion if it is to function, must be in accord with reason which is merely another name for science.

(iii) That religion as a code of social morality, must also stand together another test. It is not enough for religion to consist of a moral code, but its moral code must recognise the fundamental tenets of liberty, equality and fraternity. Unless a religion recognises these three fundamental principles of social life, religion will be doomed.

(iv) That religion must not sanctify or ennoble poverty. Renunciation of riches by those who have it, may be a blessed state, but poverty can never be. To declare poverty to be a blessed state is to pervert religion, to perpetuate vice and crime, to consent to make earth a living hell.

Which religion fulfils these requirements ? In considering this question it must be remembered that the days of the Mahatmas are gone and the world cannot have a new Religion. It will have to make its choice from those that exist. The question must therefore be confined to existing religions.

It may be that one of the existing religions satisfies one of these tests, some two. Question is — Is there any religion which

satisfies all these tests ? So far as I know, the only religion which satisfies all these tests is Buddhism. In other words Buddhism is the only religion which world can have. If the new world—which be it realised is very different from the old-must have a religion—and the new world needs religion far more than the old world did—then it can only be religion of the Buddha.

All this may sound very strange. This is because most of those who have written about Buddha have propagated the idea that the only thing Buddha taught was *Ahimsa*. This is a great mistake. It is true Buddha taught *Ahimsa*. I do not want to minimise its importance. For it is a great doctrine. The world cannot be saved unless it follows it. What I wish to emphasize is that Buddha taught many other things besides *Ahimsa*. He taught as part of his religion, social freedom, intellectual freedom, economic freedom and political freedom. He taught equality, equality not between man and man only, but between man and woman. It would be difficult to find a religious teacher to compare with Buddha, whose teachings embrace so many aspects of the social life of people, whose doctrines are so modern and with main concern to give salvation to man in his life on earth and not to promise it in heaven after he is dead!

V

How could this ideal of spreading Buddhism be realised ? Three steps appear to be quite necessary.

First : To produce a Buddhist Bible.

Second : To make changes in the organisation, aims and objects of the *Bhikkhu Sangha*.

Third : To set up a world Buddhist Mission.

The production of a Bible of Buddhism is the first and foremost need. The Buddhist literature is a vast literature. It is impossible to expect a person who wants to know the essence of Buddhism to wade through the sea of literature. The greatest advantage which the other religions have over Buddhism is that each has a gospel which every one can carry with him and read wherever he goes. It is a handy thing. Buddhism suffers for not

having such a handy gospel. The Indian *Dhammapada* has failed to perform the function which a gospel is expected to. Every great religion has been built on faith. But faith cannot be assimilated if presented in the form of creeds and abstract dogmas. It needs something on which the imagination can fasten—some myth or epic or gospel—what is called in journalism, a story. The *Dhammapada* is not fastened around a story. It seeks to build faith on abstract dogmas.

The proposed gospel of Buddhism should contain (i) a short life of Buddha (ii) The *Chinese Dhammapada* (iii) Some of the important Dialogues of Buddha and (iv) Buddhist Ceremonies, birth, initiation, marriage and death. In preparing such a gospel the linguistic side of it must not be neglected. It must make the language in which it is produced live. It must become an incantation instead of being read as narrative or an ethical exposition. Its style must be lucid, moving and must produce an hypnotic effect.

There is a world's difference between a Hindu *Sannyasi* and a *Buddhist Bhikkhu.* A Hindu *Sanyasi* has nothing to do with the world. He is dead to the world. *A Bhikkhu* has everything to do with the world. That being so the question arises, what was the purpose for which the Buddha thought of establishing the *Bhikkhu Sangha* ? What was the necessity for creating a separate society of *Bhikkhus* ? One purpose was to set up a society which would live up to the *Buddhist* idea embodied in the principles of Buddhism and serve as a model to the laymen. Buddha knew that it was not possible for a common man to realize the Buddhist ideal. But He also wanted that the common man should know what the ideal was and also wanted there should be placed before the common man a society of men who were bound to practise His ideals. That is why He created the *Bhikkhu Sangha* and bound it down by the rules of *Vinaya.* But there were other purposes which He had in his mind when He thought of founding the *Sangha.* One such purpose was to create a body of intellectuals to give the laymen true and impartial guidance. That is the reason why He prohibited the *Bhikkhus* from owning property. Ownership of property is one of the greatest obstacles in free thinking and application of free thought.

The other purpose of Buddha in founding the *Bhikkhu Sangha* was to create a society the members of which would be free to do service to the people. That is why He did not want the *Bhikkhus* to marry.

Is the *Bhikkhu Sangha* of today living up to these ideals ?

The answer is emphatically in the negative. It neither guides the people nor does it serve them.

The *Bhikkhu Sangha* in its present condition can therefore be of no use for the spread of Buddhism. In the first place there are too many *Bhikkhus*. Of these a very large majority are merely *Sadhus* and *Sanyasis* spending their time in meditation or idleness. There is in them neither learning nor service. When the idea of service to suffering humanity comes to one's mind every one thinks of the Ramakrishna Mission. No one thinks of the Buddhist *Sangha*. Who should regard service as its pious duty the *Sangha* or the Mission? There can be no doubt about the answer. Yet the *Sangha* is a huge army of idlers. We want fewer *Bhikkhus* and we want *Bhikkhus* highly educated, *Bhikkhu Sangha* must borrow some of the features of the Christian priesthood particularly the Jesuists. Christianity has spread in Asia through service—educational and medical. This is possible because the Christian priest is not merely versed in religious lore but because he is also versed in Arts and Science. This was really the ideal of the *Bhikkhus* of olden times. As is well known the Universities of Nalanda and Taxila were run and manned by *Bhikkhus*. Evidently they must have been very learned men and knew that social service was essential for the propagation of their faith. The *Bhikkhus* of today must return to the old ideal. The *Sangha* as is composed cannot render this service to the laity and cannot therefore attract people to itself.

Without a Mission Buddhism can hardly spread. As education requires to be given, religion requires to be propagated. Propagation cannot be undertaken without men and money. Who can supply these ? Obviously the countries where Buddhism is a living religion. It is these countries which must find the men and money at least in its initial stages. Will these ? There does not seem to be much enthusiasm in these countries for the spread of Buddhism.

On the other hand time seems quite propitious for the spread of Buddhism. There was a time when religion was part of one's own inheritance. At one time a boy or a girl inherited the religion of his or her parent alongwith the property of the parent. There was no question of examining the merit and virtues of religion. Sometimes the heir did question, whether the property left by the parents was worth taking. But no heir was there to question whether the religion of his or her parents was worth having. Time seems to have changed. Many person throughout the world have exhibited an unprecedent piece of courage with regard to inheritance of their religion. Many have, as a result of the influence of scientific enquiry, come to the conclusion that religion is an error, which ought to be given up. There are others who, as a result of the Marxian teaching, have come to the conclusion that religion is opium which induces the poor people to submit to the domination of the rich and should be discarded. Whatever be the causes, the fact remains, that people have developed an inquiring mind in respect of religion. And the question whether religion is at all worth having and if so which religion is worth having, are questions which are uppermost in the minds of those who dare to think about this subject. Time has come, what is wanted is will. If the countries which are Buddhist can develop the will to spread Buddhism the task of spreading Buddhism will not be difficult. They must realize that the duty of a Buddhist is not merely to be a good Buddhist, his duty is to spread Buddhism. They must believe that to spread Buddhism is to serve mankind.[1]

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[1] : Magazine 'Maha Bodhi': Maha Bodhi Society Journal, Culculta ; Vaishak Number, Vol. 58, May 1950.

18

THE RISE AND FALL OF THE HINDU WOMAN : WHO WAS RESPONSIBLE FOR IT ?

In the journal of the Maha Bodhi for March 1950 there appeared an article on "The Position of Women in Hinduism and Buddhism" *by Lama Govinda. His article was a rejoinder to an article which had appeared in Eve's Weekly of January 21, 1950, and in which the Buddha was charged as being the man whose teachings were mainly responsible for the downfall of women in India. Lama Govinda did his duty as every Buddhist must in coming forward to refute the charge. But the matter cannot be allowed to rest there. This is not the first time such a charge is made against the Buddha. It is often made by interested parties who cannot bear his greatness, and comes from quarters weightier in authority than the writer an Eve's Weekly can claim. It is, therefore, necessary to go to the root of the matter and examine the very foundation of this oft repeated charge. The charge is so grave and so vile that the readers of the Maha Bodhi will, I am sure, welcome further examination of it.

Such a charge against the Buddha can be supported on two grounds only -

The first possible ground may be the reply which the Buddha is reported (in Chapter V - *Mahaparinibbana Sutta*) to have given to a question put to him by Ananda. It reads as follows :

"9. How are we to conduct ourselves, (asked Ananda)
with regard to womankind ?
As not seeing them, Ananda.
But if we should see them,
what are we to do ?
Not talking, Ananda.
But if they should speak to us,
Lord, what are we to do ?
Keep wide awake, Ananda."

* See Appendix—II.

There is no denying that the passage in question is to be found in the text of the *Mahaparinibbana Sutta* as published by the Oxford University Press. The point, however, is not whether the passage exists or not. The point is that if any argument is to be built upon this passage, is it not necessary to prove that the text is original and genuine and not a latter interpolation by the *Bhikkhus* ?

Any one who knows the central teachings of the Buddha is quite bewildered after reading the Sutta Pitaka as we find it now wrapped about by the mythical drapery, disfigured by additions of purely Brahmanic ideas entirely foreign to the original Buddhist thought and distorted by the twists and turns given to it by monastic ideas intended to enforce monastic ideals. So much so that one is inclined to join in wonder with Mrs. Rhys Davids[1], and ask :-

> "Where in these pages of (the *Sutta Pitaka)* is Gotama? How much of them, how little, is a blend of (it may be) original saying clearly or confusedly reproduced, of fillings by ages of successive narrators, of memory-schemes drawn up by teachers, not teachers of the multitude but of orally learning pupils, of efforts, often clumsy, by editors to set down in writing much that had long been more fluently told ? And all of them, narrators, teachers, editors, were men whose choice of ideals of life differed from that of the rest of the world, differed the more in proportion as they were sincerely not of the world as well as not in it. Through this distorting medium he has to read, and ask himself which sayings, put into the mouth of a certain accredited 'teacher and way-shower" of truth, are likely to have come from such a man as he is recorded to have been ?"

There is therefore nothing very extravagant in the suggestion that this passage is a later interpolation by the Bhikkhus. In the first place the Sutta Pitaka was not reduced to writing till 400 years had passed after the death of the Buddha. Secondly, the Editors who compiled and edited them were Monks

[1] : Preface (xiii) to Kindred Sayings, Vol. II.

and the Monk Editors compiled and wrote for the Monk. The statement attributed to the Buddha is valuable for a Monk to preserve his rule of celibacy and it is not unlikely for the Monk Editor to interpolate such a rule.

There are two other considerations which go to support the suggestion that this passage is a later interpolation.

(1) Firstly, from the Table given in the introduction to this *Sutta* (to be found on page 72 of the Digha Nikaya, part II, in the S.B.B. Series, by Davids) it will be noticed that great many of the passages which occur in this *Sutta* also occur in other *Suttas*. It is important to note that this passage does not occur in any other *Sutta* notwithstanding the fact that they contain so many other passages from this *Sutta*.

(2) Secondly, from page XXXVIII of the introduction to this *Sutta* (published in Vol. XI of the S.B.E. by Davids) it appears that there exists a Chinese version of this *Sutta*. But this Chinese text also does not contain this particular passage.

Let us go further and apply the test of probability. Was there any reason why Ananda should have asked such a question? Was it in keeping with the known relations of Buddha with women ? There is evidence to show that such a question could not have been asked by Ananda and that if such a question had been asked, the Buddha could not have given such a reply. The conduct of Ananda and of the Buddha toward women as reported in the *Pitakas* is so contrary to the possibility of such a question being raised and such an answer being given.

On the point as to whether there was any necessity for Ananda to ask such a question it is relevant to note that in the same Chapter of the *Mahaparinibbana Sutta,* only a few *gathas* removed from those quoted above, the Buddha describes how sweet was Ananda and how he was loved by all. Out of them I quote below the two following *gathas*—

"16. Brethren, there are these four wonderful and marvellous qualities in Ananda.

If, brethren, a number of the brethren of the Order should come to visit Ananda, they are filled with joy on beholding him; and if Ananda should then preach the truth to them, they are filled with joy at the discourse; while the company of brethren is ill at ease, brethren, when Ananda is silent.

If brethren, a number of the sisters of the Order..... or of devout men, ... or of devout women, should behold him; and if Ananda should then preach the truth to them, they are filled with joy at the discourse; while the company of sisters is ill at ease, brethren, when Ananda is silent."

From this it is clear that it was usual for Ananda to meet women, not only sisters but devout women who were not members of the Order. He used to see them, meet them and talk to them. Why then should Ananda have asked such a question ? The Buddha knew that the women used to meet Ananda. He raised no objection before. Why should he have thought of interdicting and forbidding all contact with women ? The whole passage is so unnatural that it must be regarded as a later monastic interpolation.

There is another instance in the life of Ananda which stands in stark contrast with the passage in the *Mahaparinibbana Sutra*. As is well known, in the first *Sangiti* (Council) five complaints were made against Ananda. They were :—

(1) that he failed to ask which parts of the *Vinaya* were in the opinion of the Buddha the lesser parts for which he gave authority to the *Sangha* to alter and amend;

(2) that he stepped on the Robe of the Lord during retreat when sewing it;

(3) that he caused the body of the departed Lord to be saluted first by women so that it was soiled by their tears ;

(4) that he did not ask the Lord to live for a cycle, and

(5) that he was principally instrumental in getting women admitted to the *Sangha*.

To all these charges Ananda pleaded guilty. Whether he should have pleaded guilty or not is another matter. What is of interest is the third charge. For it has great relevance to the issue in question. Why did Ananda allow women to touch the body of the Master if the advice given by him as mentioned in the *Mahaparinibbana Sutta* is true as a fact ? Would he so flagrantly and knowingly disobey the advice given by the Buddha a few minutes before?" The answer must be in the negative. What follows from this negative answer ? What follows is that the Buddha had not given such an advice as is alleged against him. For if he had given such an advice, Ananda could not have acted contrary to it. It therefore stands to reason that no such advice had been given by the Buddha.

Let us now consider the question from the side of the Buddha. Would it have been natural for the Buddha to give such a reply ? The answer to this question must depend upon Buddha's course of conduct towards women. Did the Buddha avoid meeting women as is suggested by the advice he is reported to have given to Ananda? Where are the facts ?

Two examples at once come to mind. One is that of Visakha. She was one of the eighty chief disciples of the Buddha with the title of "Chief of Alms-givers'. Did not Visakha at one time go to hear Buddha preach ? Did she not enter his monastery ? Did the Buddha act towards Visakha in the manner he directed Ananda to act towards women ? What did the *Bhikkhus* present at the meeting do? Did they leave the meeting?

The second instance that comes to one's mind is that of Amrapali of Vaisali. She went to see the Buddha and gave him and his monks an invitation for a meal at her house. She was courtesan. She was the most beautiful woman in Vaisali. Did the Buddha and the *Bhikkhus* avoid her ? On the other hand they accepted her invitation-rejecting the invitation of the Licchavis who felt quite insulted on that account- and went to her home and partook of her food.

Other examples are not wanting. The *Nandakovada Sutta*[1] tells of Mahaprajapati Gotami having brought five hundred alms-women with her to the Buddha when he was staying at Sravasti with a request that he should instruct them in the Doctrine and Discipline. Did the Buddha run away from them ?

The *Samyutta Nikaya*[2] reports that Kokanada, daughter of Pajjuna, when the night was far spent shedding radiance with her effulgent beauty over the whole *Mahavana,* came into the presence of the Buddha when he was staying at Vaisali.

The reports of frequent visits of Queen Mallika, wife of King Pasenajit, to the Buddha for religious instructions are scattered in the *Pitakas.*

From these instances it is clear that the Buddha did not shun women and women were not afraid of going to the Buddha.

It is true that the Buddha did advise[3] the Bikkhus not to make it a habit to visit families of lay disciples for fear of human weakness yielding to frequent contacts with women. But he did not forbid such visits nor did he express any disdain about women as such.

It is also true that the Buddha was dreadfully keen in maintaining celibacy. He was painfully aware of the fact that, to use his own words,[4] "Women doth stain life of celibacy". But what did he advise ? Did he advise the *Bhikkhus* to shun all contact with women ? Not at all. He never put any such interdict. Far from doing any such thing what he did was to tell the *Bhikkhus* that whenever they met any women, do *ye* call up the mother-mind, the sister-mind, or the daughter-mind[5] as the case may be *i.e.* regard a woman as you would your own mother, sister or daughter.

The second possible ground which an opponent of the Buddha can rely upon in support of the accusation is the opposition of the Buddha to women joining the *Sangha* and in making the *Bhikkhuni Sangha* (when he ultimately allowed it) subordinate to the *Bhikkhu Sangha.* Here again a further analysis of the situation is necessary. Why did the Buddha oppose the

[1] : Majjima Nikaya II. P. 309.

[2] : Vol. I P. 40.

[3] : Anguttara Nikaya III P. 190.

[4] : Samyutta Nikaya I. P. 53.

[5] : Kindred Saying IV, P. 68.

demand of Mahaprajapati to take *parivraja* (ordination) ? Did he oppose it because he was of opinion that women were a low class whose admission would lower the status of the *Sangha* in public esteem ? Or did he oppose it because he was of opinion that women intellectually and morally were incapable of realizing the ideal of His Doctrine and His Discipline? The second of these two questions was definitely put to the Buddha by Ananda in the course of the argument when he found the Buddha somewhat adamant. The Buddha gave an unequivocal answer leaving no room for doubt or dispute. He said that women were fully capable of realizing His Doctrine and His Discipline and that was not the reason why he refused their demand for taking *parivraja.* It is clear from this that the Buddha did not regard woman as inferior to man either in point of intellect or character. That he opposed the admission of women because he held them in low esteem and feared that they might lower the prestige of the *Sangha* is an argument which is hardly worth mentioning. For if that was his feeling he would never have admitted them at all.

To the argument that he made the *Bhikkhuni Sangha* subordinate to the *Bhikku Sangha,* the answer in question behind this arrangement there was no consideration as to superiority or inferiority, what lay behind this arrangement were consideration of purely practical character. In admitting women to be *Parivrajikas* (nuns) the Buddha had to face two questions. Should there be only one *Sangha* for men and women ? He decided to have two separate *Sanghas.* He was afraid that in a confraternity of men and women *Parivrajakas* the rule of celibacy would be completely lost. While therefore admitting women, he thought, it was necessary to use his own words, a dyke between them by creating two separate organisations. Having decided to create two separate organisations he was faced with another question. If there are to be two separate *Sanghas-* one for men and one for women- were they to be quite independent and separate organisations or was there to be some sort of inter-relation between the two ?

On the first issue no other decision was possible except that the women's *Sangha* should be separate from the men's *Sangha.*

This was an inevitable consequence which followed from the Rule of celibacy which was binding on both. The Buddha knew what a great force the sex instinct is with life of both man as well as woman. To use the Buddha's own words it is this instinct which drives a man in woman's bondage and a woman in man's bondage. This force, if given an opportunity to have its full force, the rule of celibacy could not last for a minute. To save the rule of celibacy he had to organise two separate *Sanghas.*

To take up the second issue : was any decision possible other than the one the Buddha took ? The women who joined his faith were raw women. They had to be instructed in His Doctorine and they had to be trained in His rules of Discipline. Who could undertake this task ? To whom else could He have entrusted this work ? To none except the male *Bhikkhus* of his Order. For they were already instructed in His Doctrine and trained in His Discipline. And this is what He did. Now what was the relationship that was forged between the *Bhikkhus* and *Bhikkhunis* by entrusting the work of instruction of the latter to the former ? This is a necessary question to raise. Without it the explanation of the insubordination of the *Bhikkhuni Sangha* to the *Bhikkhu Sangha* does not become quite clear. The obvious answer to this question is that by entrusting the work of training the *Bhikkhunis* to the *Bhikkhus,* their relationship became one of teacher and pupil. Now does not the relationship of teacher and pupil involve some authority for teacher over the pupil and some submission or subordination on the part of the pupil to the teacher ? What more did the Buddha do ?

In this connection it is useful to compare the relationship between monasteries and nunneries in the Christian Church. Are not the nunneries subordinate to the monasteries ? Of course they are[1]. Can anybody therefore say that Christianity treats women as inferior to men ? Why then should a different interpretation be put upon the arrangement made by the Buddha for regulating the relations between the *Bhikkhus* and *Bhikkhunis?*

So far as the *Sutta Pitaka* is concerned there is absolutely no ground for the charge that the Buddha had a prejudice against women and was for ever exhorting men to beware of them.

[1] : See Article "Nuns" in the Catholic Encyclopaedia, Vol. XI. P. 164.

II

Let us pass from particular instances to the general attitude of the Buddha towards women in general. Did the Buddha hold women in low esteem ? I am sure that whoever reads references to women by the Buddha which occur in the sacred literature of the Buddhists will be convinced that far from doing anything which would have the effect of degrading the woman, the Buddha all along tried to ennoble woman and to elevate her. Let me give a few illustrations in support of this view.

The birth of a daughter has been from ancient past regarded as a calamity by the people of India generally. Did the Buddha share this sentiment ? His attitude towards this question was quite the contrary to the traditional view as is illustrated by this advice to King Prasenajit. Once King Prasenajit was visiting the Buddha at Sravasti in Jeta's garden. A messenger from the Royal Palace came and informed him that his wife Queen Mallika had given birth to a daughter. On hearing this news the King went off his colour and looked sad and dejected. The Buddha noticed this change on his face and asked him for the cause of it. On being informed of it the Buddha said,[1] "Why be sorry? A woman child, O Lord of men, may prove even a better offspring than a male. For she may grow up wise and virtuous... The boy that she may bear may do great deeds and rule great realms..."

In answer to a question as to why some families rise and others decay, the Buddha is reported to have told the *Bhikkhus* that[2] —

> "Whatsoever families, monks, having attained greatness of possessions fail to last long, because they seek not for what is lost, they repair not the decayed, they eat and drink to excess, they put in authority a woman or a man that is immoral. Whatsoever families.. fail to last long all of them do so because of these four reasons or one or other of them.
>
> "Whatsoever families, monks, do last long, all of them do so because they seek for what is lost, repair the decayed, eat and drink in moderation, and put in authority a virtuous woman or

[1] : Samyutta Nikaya : Vol. I, P. 110.

[2] : Anguttara Nikaya : Vol. II, Pp. 254-255.

man. Whatsoever families... do last long, all of them do so because of these four reasons or one or other of them."

In describing to the *Bhikkhus* what happens when a Monarch "who rolls the wheel, *i.e.,* who is destined to be a *Chakravarti* (world monarch) appears in the world, the Buddha is reported to have told the monks that[1]—

> "Whenever such a monarch appears there is the appearance of the seven treasures: the treasure of the Wheel, the Elephant, the Horse, the Jewel, the Woman, the House-father, and the treasure of the Heir Apparent."

On another occasion the Buddha, speaking of the value of a woman to the world, said,[2]

> "Woman is the commodity Supreme because (as the commentator adds) she is of indispensable utility, or because through her *Bodhisattvas* and world rulers take birth."

How can a person in whose view the birth of a daughter was not an occasion for sorrow and might well be an occasion of joy, who held the view that those families are saved from a downfall which place a woman in authority over their affairs, who had no hesitation in describing woman as one of the seven Treasures and a thing of supreme value, be described as a hater or despiser of woman ? These statements are typical of the general sentiments entertained by the Buddha towards womankind. Can anybody say that they are calculated to bring the woman into ridicule and contempt ?

III

Those who see a social wrong in the Buddha placing the *Bhikklumis* under the authority of the *Bhikkhus* do not realize what a revolutionary act it was on the part of the Buddha to have allowed women to take *Sannyas* or *Parivraja* (Monkhood). Under the Brahamanic theory women had already been denied the right to acquire knowledge. When the question of *Sannyas*

[1] : Anguttara Nikaya : Vol. V. P. 83.

[2] : Samyutta Nikaya : Vol. I. P. 62.

came they did to the Indian woman another wrong. As a matter of history *Sannyas* was not an ideal of the Brahmins who worshipped the Vedas and who, for a long time, refused to recognise the *Upanishadas* as sacred literature. *Sannyas* was the ideal of the *Upanishadas* and the end of *Sannyasa* was to realize the *Upanishadic* doctrine that the *Atman* is *Brahma*. The Brahmins were dead opposed to the life of *Sannyas*. Ultimately they yielded but subject to certain conditions. One of the conditions was that women (and *Shudras)* were not to be eligible for *Sannyas*.

It is important to understand the reason why the Brahmins debarred woman from taking *Sannyas* because it helps to understand the attitude of the Brahmins towards woman which was in sharp contrast with that of the Buddha. The reason is stated by Manu. It reads as follows : —

> IX. 18. Women have no right to study the Vedas. That is why their *Sanskars* (rites) are performed without *Veda Mantras*. Women have no knowledge of religion because they have no right to know the *Vedas*. The uttering of the *Veda Mantras* is useful for removing sin. As women cannot utter the *Veda Mantras* they are as untruth is.

Although Manu was later than the Buddha, he has enunciated the old view propounded in the older *Dhanna Sutras*. This view of the women was both an insult and an injury to the women of India. It was an injury because without any justification she was denied the right to acquire knowlege which is the birthright of every human being. It was an insult because after denying her opportunity to acquire knowldege she was declared to be as unclean as untruth for want of knowledge and therefore not to be allowed to take *Sannyas* which was regarded as a path to reach *Brahma*. Not only was she denied the right to realize her spiritual potentiality she was declared to be barren of any spiritual potentiality by the Brahmins.

This is a cruel deal with women. It has no parallel. As Prof. Max Muller[1] has said, "However far the human may be from the Divine, nothing on the earth is nearer to God than man, nothing on earth more Godlike than man". If this is true of man why is this not true of woman ? The Brahmins had no answer.

[1] : Hibbert lectures on Religion, Page 379.

By admitting women to the life of *Parivrajika,* the Buddha, by one stroke, removed both these wrongs. He gave them the right to knowledge and the right to realize their spiritual potentialities alongwith man. It was both a revolution and liberation of women in India. To quote the words of Prof. Max Muller : —

"The history of India teaches us that the galling fetters of the old Brahmanic law were broken at last, for there can be little doubt that we have to recognise in Buddhism an assertion of the rights of individual liberty, and more particularly, of the right of rising above the trammels of society, of going, as it were into the forest, and of living a life of perfect spiritual freedom, whenever a desire for such freedom arose."

This freedom which the Buddha gave to the women of India is a fact of far greater importance and out-weighs whatever stigma which is said to be involved in the subordination of the *Bhikkhunis* to the *Bhikkhu Sangha.* This was not an empty freedom. It was freedom which they keenly enjoyed and sang about "O free indeed! O gloriously free am I....." sang Mutta[1] - a *Bhikkuni,* who was a Brahmin girl. Mettika, another *Bikkhuni,* also a Brahmin girl, sang -".... so sit I here upon a rock. And over my spirit sweeps the breath of liberty[2]."

As Mrs. Rhys Davids Says-[3]

"To gain his freedom mobility ..... they, like their later Christian sisters, had laid down all social position, all domestic success, they had lost their world. But in exchange they had won the status of an individual in place of being adjuncts, however much admired, fostered, and sheltered they might, as such, have been. 'With shaven head, wrapt in their robe'-a dress indistinguishable, it would seem, from the swathing toga and swathed undergarments of the male religieuxs - the Sister was free to come and go, to dive alone into the depths of the wood, or climb aloft."

[1]: Psalms of Sisters No. XI.

[2]: *ibid No.* XXIV.

[3]: Preface to Therigatha.

In allowing women to become *Bhikkhunis* the Buddha not only opened for them the way to liberty, he also allowed them to acquire dignity, independent of sex. To her freedom she could, in the words of Mrs. Rhys Davids :

"Wed the other austere joy of being recognized, at least by her brother *Arahants,* 'as a rational being, without reference to sex. As such she breathed the spiritual atmosphere, she shared the intellectual communion of that religious aristocracy called in the *Pitakas, Ariyas,* with whom she claimed that power of seeing all things as they really are' which the Buddhist called being awake.

'How should the woman's nature hinder Us-us Ariyas says Soma, a Bhikkhuni[1] :

"What can that signify to one in whom

Insight doth truly comprehend the Norm ?

To one for whom the question doth arise :

Am I a woman in such matters, or

Am I a man ? or what not am I, then ?

To such an one is Mara fit to talk !"

This is not all. The Buddha in allowing women to become *Bhikkhunis* he opened them the way to equality with man. As observed by Mrs. Rhys Davids[2] "It is true that the *Bhikkunis* were technically appointed juniors in perpetuity to the *Bhikkhus.* It is equally clear that, by intellectual and more eminence, a *Theri* might claim equality with the highest of the fraternity. In the Psalms an instance occurs, in xxx, vii, where Bhadda associates herself in spiritual attainment with the great Kassapa, successor, as head of the Order, to the Founder himself. In this connection it should be noted that the Buddha did not place any premium on virginity as such. He kept his way open to all classes of women— married, unmarried, widows and even to prostitutes. All could acquire merit, freedom, dignity, an equality along with man."

[1] Psalms No. XVI.

[2] Preface to Therigatha P. P. XVI-XXVII.

IV

There can be no doubt that there has been an utter downfall in position of women in India from what it once was. One cannot say much about the part they played in ancient time in state-craft. But there is no doubt that they did occupy a very high position in the intellectual and social life of the country.

That at one time a woman was entitled to *upanayan* is clear from the *Atharva Veda* where a girl is spoken of as being eligible for marriage having finished her *Brahmacharya.* From the *Shrauta Sutras* it is clear that women could repeat the *Mantras* of the *Vedas* and the women were taught to read the *Vedas.* Panini's *Ashtadhyay* bears testimony to the fact that women attended *Gurukul* (College) and studied the various *Shakhas* (Sections) of the *Veda* and became expert in *Mimansa.* Patanjali's Maha Bhashya shows that women were teachers and taught Vedas to girl students. The stories of women entering into public discussions with men on most abstruse subjects of religion, philosophy and metaphysics are by no means few. The story of public disputation between Janaka and Sulabha, between Yajnavalkya and Gargi, between Yajnavalkya and Maitrei and between Sankaracharya and Vidyadhari shows that Indian women in pre-Manu's time could rise to the highest pinnacle of learning and education.

That at one time women were highly respected cannot be disputed. Among the Ratnis who played so prominent a part in the coronation of the King in Ancient India was queen and the King made her an offering' as he did to the others. Not only the King elect did homage to the Queen he worshipped his other wives of lower castes[2]. In the same way the King offers salutation after the coronation ceremony to the ladies of the chiefs of the *Srenies* (guilds)[3].

This is a very high position for women in any part of the World. Who was responsible for their fall ? It was Manu, the Law Giver of the Hindus. There can be no other answer. To leave no room for doubt, let me quote some of the laws made by Manu regarding women and are to be found in the *Manu-Smriti.*

[1] Jaiswal—Indian Polity, Part ii P. 16.

[2] *ibid* P. 17.

[3] *ibid* P. 82.

II. 213. It is the nature of women to seduce man in this (world). For that reason the wise are never unguarded in (the company of) females.

II. 214. For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger.

II. 215. One should not sit in a lonely place with one's mother, sister or daughter; for the senses are powerful, and master even a learned man.

IX. 14. Women do not care for beauty, nor is their attention fixed on age; (thinking), '(It is enough that) he is a man', they give themselves to the handsome and to the ugly.

IX. 15. Through their passion for men, through their mutable temper, through natural heartlessness, they become disloyal towards their husbands, however, carefully they may be guarded in this (world).

IX. 16. Knowing their disposition, which the Lord of creatures laid in them at the creation to be such, (every) man should most strenuously exert himself to guard them.

IX. 17. (When creating them) Manu allotted to women (a love of their) seat and (of) ornament, impure desires, wrath, dishonesty, malice and bad conduct.

This shows how low was woman in the opinion of Manu. The laws of Manu against women are of a piece with this view.

Women are not to be free under any circumstances. In the opinion of Manu :—

IX. 2. Day and night women must be kept in dependence by the males (of) their (families), and if they attach themselves to sensual enjoyments, they must be kept under one's control.

IX. 3. Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never for independence.

IX. 5. Women must particularly be guarded against evil inclinations, however trifling (they may appear); if they are not guarded, they will bring sorrow on two families.

IX. 6. Considering the higher duty of all castes, even weak husbands (must) strive to guard their wives.

V. 147. By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house.

V. 148. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent.

V. 149. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and her husband's) families contemptible.

Woman is not to have a right to divorce.

IX. 45. The husband is declared to be one with wife, which means that there could be no seperation once a woman is married.

Many Hindus stop here as though this is the whole story regarding Manu's law of divorce and keep on idolizing it by comforting their conscience with the thought that Manu regarded marriage as sacrament and therefore did not allow divorce. This of course is far from the truth. His law against divorce had a very different motive. It was not to tie up a man to a woman but it was to tie up the woman to a man and to leave the man free.

For Manu does not prevent a man from giving up his wife. Indeed he not only allows him to abandon his wife but he also permits him to sell her. But what he does is to prevent the wife from becoming free. See what Manu says :—

IX. 46. Neither by sale nor by repudiation is a wife released from her husband.

The meaning is that a wife, sold or repudiated by her husband, can never become the legitimate wife of another who may have bought or received her after she was repudiated. If this is not monstrous, nothing can be. But Manu was not worried by considerations of justice or injustice in framing his law. He wanted to deprive women of the freedom they had under the Buddhistic regime. Manu was outraged by licence and in putting a stop to it he deprived her of her liberty.

A wife was reduced by Manu to a level of a slave in the matter of property.

IX. 416. A wife, a son and a slave, these three are declared to have no property; the wealth which they earn is (acquired) for him to whom they belong.

When she becomes a widow Manu allows her maintenance, if her husband was joint, and a widow's estate in the property of her husband, if she was separate from his family. But Manu never allows her to have any domination over property.

A woman under the laws of Manu is subject to corporal punishment and Manu allows the husband the right to beat his wife.

VIII. 299. A wife, a son, a slave, a pupil, and a younger brother of the full blood, who have committed faults, may be beaten with a rope or a split bamboo.

Under Manu a woman had no right to knowledge. The study of the Veda was forbidden to her by Manu.

II. 66. Even for a woman the performance of the *Sanskaras* are necessary and they should be performed without uttering the *Veda Mantras.*

Offering sacrifices according to Brahmanism formed the very soul of religion. Manu forbids women from performing sacrifices. Manu ordains that :

XI 36-37. A woman shall not perform the daily sacrifices prescribed by the Vedas. If she does it, she will go to hell.

To disable her from performing such sacrifices Manu prevents her from getting the aid and services of a Brahmin priest.

IV. 205-206. A Brahmin must never eat food given at a sacrifice performed by women. Sacrifices performed by women are inauspicious and not acceptable to God. They should, therefore, be avoided.

Finally, a word regarding the ideal of life, Manu has sought to place before a woman. It had better be stated in his own words :-

V. 151. Him to whom her father may give her, or her brother with the father's permission, she shall obey as long as he lives and when he is dead, she must not insult his memory.

V. 154. Though destitute of virtue, or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshipped as a God by a faithful wife.

V. 155. No sacrifice, no vow, no fast must be performed by women, apart from their husbands; if a wife obeys her husband, she will for that reason alone be exalted in heaven.

Then comes the choicest texts which form the pith and the marrow of this ideal which Manu prescribes for women : -

V. 153. The husband who wedded her with sacred *Mantras,* is always a source of happiness to

his wife, both in season and out of season, in this world and in the next.

V. 150. She must always be cheerful, clever in the management of her household affairs, careful in cleaning her utensils, and economical in expenditure.

This the Hindus regard as a very lofty ideal for a woman !!!

As though to put a coping stone on his edifice of disabilities of women Manu declared a new rule that killing a woman was only an *Upapataka* i.e. it was a minor offence.

XI. 67. Liquor, slaying women, *Sudras, Vaishyas,* or *Kshatriyas,* and a theists (are all) minor offences.

One can quite understand why Manu should have said that the killing of a *Sudras, Vaishya or a Kshatriya* was only an *Upapataka.* He was trying to establish that the Brahmin was superior to all these and only the killing of a Brahmin was *Mahapataka.* But why did he not apply the same rule to women ? Only because a woman, in the eyes of Manu, was a thing of no value.

In the face of these quotations can anybody doubt that it was Manu who was responsible for the degradation of women in India ? Most people are perhaps aware of this. But they do not seem to know two things. They do not know what is peculiar in Manu. There is nothing new or startling in the Laws of Manu about woman. They are the views of the Brahmins ever since Brahmanism was born in India. Before Manu they existed only as a matter of social theory. What Manu did was to convert what was a social theory into the law of the State. The second thing they do not know is the reason which led Manu to impose these disabilities upon women, *Sudras* and women were the two chief sections of the Aryan Society which were flocking to join the religion of the Buddha and thereby undermining the foundation of Brahmanic Religion. Manu wanted to stem the tide of women flowing in direction of Buddhism.

It is for this that Manu imposed these disabilities upon women and crippled them permanently. Those who doubt this might well consider the following injunctions contained in Manu Smriti —

V. 88. Funeral rites and obsequies which are performed on the death of a person shall be withdrawn (i.e, shall not be performed) from those who are born out of intermixture, from those who are addicted to asceticism and from those who have ended their lives by committing suicide.

V. 89. They shall also be withdrawn from women who have joined a heretic sect, who have too freely. who have injured a child in their womb or their husband and those who drink wine.

This injunction is among others aimed at (1) those who are addicted to asceticism and (2) women who have joined a heretic sect. In this injuction asceticism refers to *Parivrajakas* i.e. those who have abandoned their homes and taken to *Sannyas* and, in referring to a heretic sect, there is no doubt that Manu has in mind the Buddhist religion. It is therefore clear that when Manu declares that no funeral rites and obsequies shall be performed, for an ascetic or a woman who has joined a heretic sect, what Manu does is to prohibit performance of funeral rites and obsequies of a member of a family-whether male or female-who has joined the Buddha's religion. In other words he wants them to be treated as though they were disaffiliated and ho longer belonged to the family. Manu was the greatest opponent of the Buddhist religion. This is the secret of the many inequities which he heaped upon women. For he knew that if the home is to be protected against the invasion of Buddhism it is the woman who must be put under restraint. And he did it. All responsibility for the decline and fall of woman in India must be fastened upon Manu and not upon the Buddha.

In the compass of a few pages I have endeavoured to present the story of the Rise and fall of the Hindu woman. I have also endeavoured to offer an explanation as to who was the author of their fall and why he brought it about. I hope that the

unprejudiced and the impartial will realize that it was not the Buddha who can be held responsible for the tragedy. If anything the Buddha endeavoured to ennoble the woman it was to raise her to the level of man.[1]

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[1]: Magazine— 'Maha Bodhi' May-June 1951, Vol. 59, Pp. 137-151.

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SAINTS' LITERATURE CAN HELP TO MORAL REARMAMENT OF MAN

I am happy to know that there has come into existence the Eknath Research Society in Aurangabad. In my young days I was very fond of the literary works of the Maharashtra Saints and I can say how great a contribution the reading of this literature can make to the moral rearmament of man. I wish the Society every success and can promise all help from the People's Education Society.

Aurangabad, Sd./- **B. R. Ambedkar.**

2-9-1951.

[Eknath Darshan (Marathi) Vol. 1, Shri Eknath, Sanshodhan Mandir. 128, Marathwada, Sultan Bazar, Hyderabad, 1952.][1]

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[1] Reprinted : Khairmode, Vol. 10, p. 143.

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OUTLINE

A PEOPLE AT BAY

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A PEOPLE AT BAY

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THE MAHARS : WHO WERE THEY AND HOW THEY BECAME THE UNTOUCHABLES ?

In this paper, I propose to raise these questions, and attempt to give an answer to them which in my judgment are most appropriate answers. These questions are : (1) Who are the Mahars ? (2) Why do they live outside the village ? and (3) Why have they been classed as Untouchables ?

* * *

I

Who are the Mahars ?

Mr. Wilson derived the word 'Maharashtra' from the word 'Mahar' and suggested that Maharashtra meant the country belonging to the Mahars. This derivation of the term Mahars is sought to be supported on the analogy of 'Gujarashtra' the country of the Gujars and 'Saurashtra' the country of the Sauraj. An objection is taken to this derivation of the term Mahar on two different grounds, the one objection rests upon the view that the term Maharashtra does not mean the country of the Mahars but that it means the great country. The second objection that is raised to this derivation is based upon the view that the Mahars who are at present so fallen in their social status that it could not be supposed that they at any time in the course of history have had so exalted a position as to be the ruler of the country. It is my view that this derivation put forth by Mr. Wilson is unsupportable for two very different reasons. The first reason which leads me to reject the derivation suggested by Wilson may be formulated in the following terms : It is obvious that if Maharasthra meant the country of Mahars, it is obvious that the Mahars as a community distinct from the rest of the population must have been in existence from very ancient times and must have been known in history, by that name. Now is there any evidence to show that the Mahars are as a community known to history by the name Mahars ? Confining ourselves to the Bombay Presidency the three principal communities which comprise the Untouchable classes are: (1) The Mahars, (2) The Chambhars, and

Note : The Ms. of the paper did not contain title—Editors.

(3) The Mangs. Of these the Mahars form by far the largest group. It is extraordinary to find that while Mangs and Chambhars are known in history as existing communities, there is no-where any mention of the Mahars as a community. Reaching back to Manu he mentions certain classes which in his time were recognised as Untouchable Communities. Among them the Chambhars are specifically mentioned as an Untouchable Community. The Mangs are not mentioned by Manu. That is probably because Mangs were not to be found in the territory which was known to the author of the *Manusmriti.* But there is ample evidence in the Buddhist literature that the Mangs who therein referred to as Matangas existed as a separate community bearing a name which became well known to all. But neither in the *Manusmriti* nor in the Buddhist literature is there any mention of the Mahars as a community. Not only is there mention of the Mahars in this ancient lore but even the later *Smritis* of quite modern times make no reference to the Mahars as a community. Indeed upto the advent of the Muslims, one does not meet with the word Mahar. One finds it mentioned only once in the *Dnyaneshwari* which is 1100 A.D. Before him the name Mahar is simply non-existent. What are we to suppose ? Was there no such community as the Mahars in the ancient times before *Dnyaneshwari* ? Or, are we to suppose that there existed a community but then it was known by some other name ? Whichever the case is the non-existence of the name Mahars militates strongly against the view of Mr. Wilson. If the term Mahar was not known, much less could it become the basis of a name given to the country.

The second reason which leads me to reject the view of Mr. Wilson is based upon the considerations arising out of the totems which one finds existent in the Mahar community. Mr. Wilson's hypothesis if taken to be correct must necessarily lead to the conclusion that the Mahars are an aboriginal race inhabiting the country before the entry of *Aryans* in the country now known as Maharashtra. I feel certain that such a conclusion is untenable for reasons which I am sorry to say, have not been fully appreciated by those who allege that the Mahars belong to the aboriginal classes of this Province. As a first step in the chain of reasoning, I am depending upon in support of my view, I would like to point out one notable fact and it is this—there are no Marathas where there are no

Mahars and wherever there are Mahars there are Marathas also. This link is not a mere matter of accident, that the link is integral, is supported by another piece of evidence which is also usually overlooked by students of ethnology. Now it is well known that the Marathas have a clan organisation. They have what they call their '*Kuls'*: and they have also what is called a totem. The importance of the *'Kul'* and the totem will be obvious to every student of ethnology. A common *'Kul'* and a common totem are indicative of kinship. Bearing this in mind a comparison of the '*Kul'* among the Mahars and the Marathas yields a very significant result.

(The Table mentioned below is not found in the M. S.— Editors)

A glance at the table would show that there is no *'Kul'* among the Mahars which does not exist among the Marathas and there is no '*Kul'* among the Marathas which is not to be found among the Mahars. If anthropology can be relied upon in support of the proposition that the common *'Kul'* is indicative of kinship then the Mahars and the Marathas form a kindred community and the Mahars could not be rejected as an aboriginal community unless one is also prepared to go to the length of saying that the Marathas also are an aboriginal community.

Whether the Marathas are an *Aryan* or a *Non-Aryan* community is a question on which there is no unanimity. Risley held the view that the Marathas were not *Aryans*: and he rested his conclusions mostly on anthropometric measurements. Others have challenged this view and concluded that the Marathas are *Aryans* and have sought to meet the anthropometric objections of Risley by the argument that there were two waves of the *Aryan* invaders and the Marathas belonged to the Second. That is the reason why their anthropometric measurements do not tally with those taken as standard by Risley. The second hypothesis seems to derive some support from the fact that in ancient times Maharashtra was called *'Ariake'* on the ground that the *Aryans* formed the predominent population and also because in the Karnatak the Maratha is still called '*Arer Mated'* (The Aryan Man).

Be that as it may, there is no question that the Mahars are not an aboriginal people. In addition to what has been stated in support

of this proposition there are other land-marks and survivals which can be relied upon in support of this view. The first thing to which attention must be drawn is the fact that a great number of the *'Kul'* which indicate the status of a Rajput are also to be found among the Mahars. In the quarrels that have taken place between the Brahmins on the one hand and the Marathas on the other on the issue whether the latter were *Kshatriyas* or not, the test sought to be applied was whether the *'Kul'* of the claimant was one of the 96 *'Kuls'* which were admittedly belonged to the Rajputs in whose status as *Kshatriyas* was beyond question. Now if this test was applied to the Mahars, there could be no question that the Mahars would have to be pronounced as belonging originally to the Rajput that is to say to the *Kshatriya* class. It is suggested that the Mahars have been appropriating the *'Kuls'* of the Rajputs since very recently with the idea of improving their social standing. That evidently is a mistake. There is a long tradition among the Mahars that they belong to what is called the *'Somavansh'* which is one of the two branches of the *Kshatriyas,* that the Mahars have had these *'gotras'* from long past and have not appropriated to them in recent times is clear from the fact that as long ago as the Court of Enquiry held by the Brahmins into the status of the last Maratha King of Satara, namely Pratapsing whom the Brahmins refused to recognise as a *Kshatriya.* One party of the Brahmins who favoured the side of Pratapsing contended that as the Bhonsale *Kul* was one of the 96 *Kuls* of the Rajputs, and as the Rajputs were recognised as *Kshatriyas,* Pratapsing must be propounded as a *Kshatriya.* The other side in reply to this contention propounded a conundrum. It contended that if that argument was sound, all the Mahars would have to be pronounced as *Kshatriya* because they too had *'Kuls'* like those of the Rajputs. Apart from the validity of the view as a test, the fact remains that the *Kuls* which the Mahars have appropriated is no new phenomenon. This is one consideration in support of the view that the Mahars are not aboriginals.

The second consideration in support of this view is the word of salutation which is peculiar to the Mahars. The word of salutation used by the Mahars is *Johar.* This word is undoubtedly a corrupt form of the Sanskrit word *'Yoddhar'.* It is well-known that

in ancient Vedic times the Brahmins and the *Kshatriyas* had adopted separate words of salutation. The Brahmins said *'Namaskar'* : the *Kshatriyas* said *'Yoddhar'*. It is difficult to conceive that the Mahars should have been allowed to use the term *'Yoddhar'* as a word of salute if they were a body of low class ; or if they were aboriginals particularly because the word of salute among the Chamars and the Mangs is quite a different word having not the remotest connection with the status of the *Kshatriya*. The Mangs used the word *'Furman'* which seems to be a corruption of the word *'Farman'* meaning 'command'. The Chamars used the word *'Duffarao'* a word of which I am unable to give the derivative : but the fact remains that only the Mahar Community uses as its word of salutation the word *'Johar'* which as I have stated above was a word which was in exclusive use by the *Kshatriyas* as a word of salutation. There is no doubt that the Marathas too at one time used the term *'Johar'* as a word of salutation. It was in vogue during apart of Shivaji's rule; and even Shivaji in the one and the only letter admitted to have been signed by him in his own hand and addressed to Maloji Ghorpade has used the word *'Johar'* as the word of salutation. It is well-known that the Marathas since after Shivaji began to use *'Ram Ram'* in place of *'Johar'* as a word of salutation. It is curious that the Mahars did not follow suit. Why the Mahars continued to use the word *'Johar'* even when the Marathas had given it out and why were they allowed by the State to continue *'Johar'* when the State enforced *'Ram Ram'* on all others, are questions which require some elucidation. But the fact remains that *'Johar'* is indicative of the status of a *Kshatriya*.

There is one other matter to which attention must be drawn because it militates against the view which I am supporting namely that the Mahars are not aboriginals and that they really belonged to the Maratha community and at one time were reckoned as *Kshatriyas*. The fact is the custom prevalent among the Mahars of burying the dead body when as a matter of theory and practice the Marathas and the *Kshatriyas* have the custom of burning the dead. The existence of this custom of burying the dead must be admitted but to admit the existence of the custom is not to admit the

form of the conclusion that is sought to be derived from it. In the first place, there are indications that this custom of burying the dead is not original. But the original custom among the Mahars was to burn the dead seems to be supported by the fact that even though the Mahars bury the dead they still carry with them to the cemetery cinders and burning coal in an earthen pot along with the corpse.

There must have been some purpose for such an act and there could be no conceivable purpose except to use the fire for burning the dead. Why the custom of burning the dead gave place among the Mahars to the custom of burying the dead, it is difficult to give a precise reason. But it seems that the burying of the dead was a custom which was enforced upon the Mahars at some later date when the Mahars had become fallen in the status and classed as Untouchables. Considerable support can be found for this view from what the *Padma-Puran* contains. It is stated in the *Padma-Puran* that certain communities were prevented from burning their dead because burning the dead was a privilege of the three regenerate classes. If this is correct then the custom of burying the dead could not outweigh the everwhelming evidence which goes to show that the Mahars are not aboriginals and they might as well have been in times past part of the Marathas by race *and Kshatriyas* by status.

II

Why do they live outside the Village ?

It is notorious that the Mahars live outside the village. This is a fact which it is difficult to sense at any rate for foreigners for the reason that the village is generally built on an open site without any indication of its boundaries. But two things demonstrate incontrovertibly that the Mahars are reckoned as being outside the village. Every villager makes a distinction between the village as such and the *Maharwada* meaning thereby that the *Mahar-Wada,* that is to say the settlement of the Mahars is not within what is meant by the village. A more occular demonstration is afforded wherever village has its wall. Wherever a village has had a well known in vernacular as *'Gavkus'* it will be noticed that the settlement of the Mahars is always outside the wall. Now this fact read in the light of what has been said in this paper in connection

with the first question gives considerable significance to the second question. If the Mahars are not an aboriginals race why are they treated as the reject of the society, and made to live outside the village community. The most natural answer which strikes one as being a true answer is what one finds in the injunctions contained in the code of Manu. Speaking of the *Chandal,* Manu lays down that he should be compelled to live outside the boundary of a village. Generalising from what Manu has said about the *Chandal* it might be guessed that what was said by him of the *Chandals* was imposed upon all similar classes by the Hindu Rulers in all its rigour. On a deeper consideration I find that this cannot be the answer to the question raised. What Manu has stated is not so much the original command of the law-giver. What Manu has done in my judgment is to recognise what had happened as a result of the forces operating during the historical period and made the real his ideal because it suited the purpose he had in mind. The answer to the question must be looked for in quite a different direction. The direction in which a true answer can be found lies in my view in the field of study which relates to the period when a pastoral Community became a settled community. It must be a matter of common knowledge to all students of the growth of civilization that the form of the wealth of the community was the chief determining factor in determining the habits. The pastoral people never settled anywhere but lived a nomadic life imigrating from place to place because their wealth consisted in sheep and cattle and the sheep and cattle moved from place to place those owned it also moved whenever their wealth carried them. A community which had learned the art of cultivating the land and valuing its produce gave up their nomadic life and settled at one place undoubtedly because their wealth consisted of immoveable property namely land. Now this process whereby nomadic life gave place to a settled life has been a long drawn out process : A process in which some roamed about and some were settling down. It must also be well known to students of early history of human civilization that all social life in those early days was organised into tribes and these tribes were often at war with one another. Now in the light of these considerations one must reach back to the beginning when communities or tribes began to cease to be nomadic and became settled and imagine what must be the

needs which they must have felt as the most supreme needs of the earth. Here was a tribe which had settled down and formed a settlement now spoken of as village. It is possessed of gray com. It is possessed of sheep and cattle. On the other hand, it is surrounded by tribes which are nomadic and which are casting covetous eyes on the grain and the cows and the sheep which it owns. Obviously the first and the foremost question to such a settled tribe would be to protect itself against the raids and invasions of the nomadic tribes. How could they protect themselves? How could they provide this protection ? Obviously they themselves cannot engage in constant warfare whether defensive or offensive for the protection either of their corn or of their cattle. For their energy is all absorbed in the pursuit of agriculture, an occupation to which they are new and for which they have to depend upon their own manual labour. The only way they could protect themselves is to look to their tribal chief. But how could the tribal chief protect his tribe which is settled and engaged in tilling the soil assiduously that it can find neither time nor men from its own who would take up arms on its behalf. The tribal chief must, therefore, look to some other source for raising a force to act under his command in defence of his tribe against the invasions of the nomads. From what quarters can the tribal chief secure recruits for his defence force. Obviously from one source. Here not very far there are tribal wars going on. One tribe waging a war against another tribe. In this warfare a tribe is routed and the men belonging to one tribe are broken up by defeat and parties of them small disheartened and fearful of their own safety are moving about in search of a safe place. How excellent would it be both for the chief of the settled tribe and the broken men of a defeated tribe if destiny would bring them together. The chief of the settled tribe would get the force he needs to protect his tribe without disturbing the occupation of the tribe. The men of the broken tribe would get an assured subsistence in return for service to the village community and also get the chieftain's protection. But having got the men from the broken tribe next question for the tribal chief to consider is where to settle these men. They could not be allowed to settle in the midst of the settled community because they belonged to a different tribe, and were not kindred. Only kindred could live within the settlement of the tribe.

Obviously the only way by which the chieftain could settle the broken men of another tribe whom he needs as a force to be employed in defence of the settled community was to settle them beyond the limits of the settlements made by his tribes. This is the process which alone can explain in my judgment why the Mahars live outside the limits of the village. The Mahars are broken men of tribes which in primitive times were warring with one another. They were taken hold of by the chief of the settled community namely the Patil of the village and were allowed to settle on the confines of his village. They did for him the duty of watch and ward, and were given in return certain sites. There is nothing strange in the Mahars living outside the village limits. There is nothing in that fact which can signify that they belonged to a lower status and that on that account they were made to live outside the village limits, that they were brought to the village by the village headman for the defence of his community and that they were made to live outside their village limits not because they were of a low status but because they belonged to another tribe is a conclusion which can be supported by reference to what has happned in Wales or Ireland. A study of the Brehon Laws of Ireland which gives the tribal organisation of the Irish discloses that the Irish too had their village community which was a settled community and on the borders of the settlement of the community there lived a body of people who were known as Boairs. The Boairs were remnants of a broken tribe which were brought by the village chieftain for service under him and in the interest of the protection of the community. Exactly the same state of affairs existed in the Wales villages known as Gwelleys. Every Gwelley had a body of strangers settled on his confines. They were called Alltud. They too were parts of a broken tribe brought by the chieftain of the Gwelley for the protection of the Gwelley. This is in my judgement the only satisfactory answer to the question. The question, however, remains as to why the Mahars continued to live as a separate community when in Ireland and in Wales the Alltuds and the Boairs in course of time ceased to remain distinct communities, and became absorbed in the general mass of the village population. The answer to this question is not difficult. It is that, it was the development of the system of caste and Untouchability which has prevented this fusion. But this of course raises by anticipation the third and the last question which is raised for discussion in this paper.

III

Why are the Mahars classed as Untouchable ?

The origin of Untouchability is to be sought in the struggles of Brahminism against Buddhism. This is a strange answer to the question but there is no doubt that it is the true answer. In order to make matters clear it is necessary to explain the principles for which Buddhism stood. It is unnecessary to go into all the details. It would be sufficient to state that one of the things which Buddha opposed most strenuously was *Yadnya* which was the chief and principal form of religion of the *Aryans*. The *Yadnya* involved the sacrifice of the cow.

The cow was the most important animal in the *Aryan* economy. The whole system of agriculture depended upon the cow. The cow gave milk which formed the chief sustenance of the people and the cow gave birth to bullocks which served as animals necessary for the cultivation of the land. Although the Buddha's objections to the *Yadnya* were based on philosophical grounds the common mass of the people whose intellect could not travel beyond the realities of life gathered round the banner of Buddhism because they could see that it was intended to save the cow from the incessant slaughter to which that animal was subjected by the Brahmins for sacrificial purposes. The cow, therefore, became at first an object of special consideration and lastly of veneration. The Brahmins whose supremacy was seriously jeopardised by the people refusing to consent to the sacrifice of the cow had to devise some means whereby they could win back the heart of the masses who had gone over to Buddhism. How did the Brahmins do this ? The reverence of the cow created by the Buddhist religion had gone so deep down into the minds of the people that it was impossible for the Brahmins to do anything else to do except to give up their *Yadnya* and begin instead to reverence and worship the cow as the Buddhists did. But that was not enough. The Brahmins in their struggles against Buddhism were not actuated by any pious motive of religious consideration. They were actuated by a purely political motive namely to regain the power and prestige they possessed over the masses and which had been transferred to the Buddhist *Bhikkhus*. They knew that if they were to gain any ascendency over the Buddhist, they must go a step further

than the Buddhists had gone, and they did go a step further, and proclaimed that not only they shall kill the cow but they shall not kill any animals or destroy any living creature. The origin of the vegetarianism prevalent among the Brahmins is to be found in the strategical move which the Brahmins of the past took as a means of out-bidding the Buddhists.

Along with this, one other thing must be borne in mind. Before the Buddhist times and upto the period of Asoka beef was a food common to all classes, the *Brahmins,* the *Kshatriyas,* the *Vaishyas* and the *Shudras.* There is nothing repugnant in that. The cow was just an animal as the sheep or the goat or the deer was. Consequently, although the population was divided into four classes, the four classes did not differ in the matter of their food, and particularly all ate beef. The only difference probably was that some ate meat of animals that were slaughtered. This was possible for those who could afford to buy. The rest who were poor were used to eat the flesh of dead animals either because the well-to-do did not care to use it as food. It is quite conceivable also that the village chieftain gave the carcasses of dead cows and dead animals to the men belonging to the broken tribes who had settled on the confines of the village by way of remuneration for the services which they rendered to the settled community. Without doing any voilence to truth, one could say that, before the Asoka period so, far as the eating of the cow's flesh was concerned, there was no difference whatsoever. All ate cow's meat. The only difference that existed was this namely that the village people ate slaughtered meat while those living outside the village ate the flesh of the dead cow. This difference must be noted, it had no religious or social significance. It was just the difference of the rich and the poor connotation. After the Buddhist times and especially in the period of Asoka an important change takes place. Cow-killing was either given up voluntarilty or was stopped by the State. The result was a sharp difference arose. The villages ceased to eat beef becasue they lived on slaughtered meat and as the slaughter being stopped thay ceased to eat beef. The broken tribe-men who lived on the border continued to eat the flesh of the dead cow. It was unnecessary to prohibit them because it did not involve the *Himsa* of the cow. Now, this division namely those who did not eat beef at all and

those who did was not a mere economic difference. It was a difference which gave rise to religious considerations. The killing of the cow had become a notion which from the point of view of religion has become repugnant. And a class which dealt with the dead cow also became a repugnant class. Untouchability has its origin in this notion of repugnance. And that notion of repugnance is based upon the reverence or irreverence to the cow. The Brahmins who out of consideration of their own self-interest agreed to reverence the cow and worship it. It went so far as to treat any class which had anything to do with the cow in a manner incompatible with reverence to the cow, Untouchable are not worthy of association.

That, this is the origin of Untouchability and that this is the reason why Mahars have come to be regarded as Untouchables can be seen if any one who cares to prove into the subject and to find out what are the special pursuits of these communities in India who have misfortune of being treated as Untouchable communities. An enquiry into the subject would show that all-over India the Untouchables perform certain duties which are common to them. These duties relate to the carrying of the dead cow, skinning the carcass, eating the flesh, selling the bones etc. There is no exception to this proposition. It applies in all cases and to all provinces. Why there should be such close association between the dead cow and Untouchability ? Why do the two go together ? My answer is they go together because one is the cause of the other. Untouchability has arisen out of the repugnance of the Hindu community, which as a result of Buddhism developed a reverence of the cow, towards those who have not ceased to eat the cow. The Mahars had not ceased to eat the dead cow and consequently became the object and victims of this repugnance.

* * *

The three questions profounded in this paper have now been answered. There, however, remains one more question and it is this : Why were the Mahars called Mahars ?

Many have attempted to give a definition but of all the definitions the one given by Doctor Bhandarkar seems to be the correct one. According to Dr. Bhandarkar, the word Mahar is a

corruption of the word *Mrut* Ahar-those who live on dead meat. It accords with what has been stated above in discussing the question of the origin of Untouchability. But in this connection there arise two other subsidiary questions. One is why was this particular feature of the Mahars, life taken as a basis for so designating them. The answer to this has already been given but it may be summarised here because it goes to strengthen the correctness of the derivation of the term Mahar. As I have already said the eating of the cow's flesh was at one time so universal that nobody ever cared to note the fact. Even when some ate slaughtered meat and some ate dead meat the difference had only economic significance but no religious or social significance. But when all had given up eating cow's meat those who continued to eat presented a difference which was noticeable to the naked eye and significant to the religious mind. It is, therefore, natural that the difference so obvious and so signficant should have been made by the rest of the population a basis of designating that class. But this derivation of the term Mahar creates a difficulty which must be grappled with. If this is the correct definition of the term and if these are the reasons why it came into vogue, it must have come into operation when the difference became sharp and significant. What was the name by which the Mahars were known in history before they began to be called as Mahars ? That the name Mahar is a new name admits of no doubt because it does not occur anywhere either in literature or history before the time of Dnyaneshwar. This, however, makes the other question more important namely what was the name by which they were called before the name, Mahar became their common name. Now, it is well-known that the Mahars are also called *Parwari.* This name has never gone out of name, and has continued to exist side by side with their name Mahar, although the name Mahar became more prominent. But in times past the name *Parwari* was more prominently used than the name Mahar. For instance, during the time of East India Company, Mahars were very largely employed in the Company's army as soldiers and officers. In their caste columns they were all designated as *Parwaris.* There is, therefore, no question that the Mahars had this their other name. And I venture to say that this was the name by which the Mahars were called before the name Mahar came into being.

That this name *Parwari* is a very ancient name is proved by the fact that it occurs in Ptolemy's. He uses the word *'Pauravardi'* which probably is a misspelling or mispronounciation of the word *Parwari**. What does the word *Parvari* mean ? It is, of course, a difficult question to answer. For all that one knows it means dependence which is the root meaning of the word *'Pariwar'* of which *'Parwari'* appears to be corruption. The broken tribes even undoubtedly dependent for their means of livelihood upon the village community and the village community might very appropriately designated by the descriptive name *'Parwari'* those broken tribe men who were strangers to the community but were dependent upon it. It might be mentioned here that the term *'Parwari'* which was in vogue was not confined to what is known as the Mahar community. It was used in a general sense. As there is documentary evidence to show that at any rate it included also the community which is now known as the Mang community. The term *'Parwari',* therefore, seems to have been applied to all men who came and settled as strangers to the village community. Not only the term *'Parwari'* is a composite term but the term Mahar is also a composite term and does not connote a common origin. The Mahar community appears to be composite community and includes within it a strata which is high in origin and a strata which is low in origin. This is indicated by the different *'Kuls' of* the Mahars. Those whose *'Kuls'* fall within the 96 belong to the higher strata, those whose *'Kuls'* do not fall within them fall in the lower strata. But a common name Mahar which has been in existence for the last so many hundred years has produced in them a consciousness of kind which has destroyed any notions of high or low. But it is just as well for students of ethnology that what is now known as Mahar community is in its origin a conglomeration of broken parts of different tribes who had nothing in common except that they were the *'Parwaris',* that is, the dependents of the village community.

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*The word 'Parwari' has been used in a Government letter of state of Baroda also. For the same see Appendix No. VII on Page No. 472 in Part 1 of this Volume.—Editors.

22

REPUBLICAN PARTY STANDS FOR LIBERTY, EQUALITY, FRATERNITY AND JUSTICE

As per the decision of Dr. B. R. Ambedkar regarding conversion, he proclaimed in May 1956 that he would embrace the Buddhism in October 1956. Simultaneously he was concretly thinking of forming a new political party based on the Principles enshrined in the Constitution of India.

Formation of 'Independent Labour Party' in 1936, 'Scheduled Castes Federation' in 1942 and the decision to establish Rupublican Party of India, explains his strenuous exertion to bring his vision into reality through an ideal political party.

In order to give shape to his foresight, Dr. B. R. Ambedkar decisively prepared a Blue Print of the Republican Party of India. The Marathi translation of the Blue Print by Mr. D. T. Rupwate was later on published in 'Prabuddha Bharat: Republican Party Establishment issue - 1957' under the title 'Open letter of Parampujya Dr. Babasaheb Ambedkar to the Indians regarding formation of Republican Party of India.'

The blue print contains five chapters as under :

Chapter-1 : How a movement becomes a Political Party ?

Chapter-2 : Conditions precedent for the successful working of democracy.

Chapter-3: Why Parliamentary Government needs an opposition Party ?

Chapter-4 : What is a Party ?

Chapter-5 : Aims and Objects of the Party.

Accordingly the news about the formation of 'the Republican Party of India' appeared in the issue of 'Janata' dated 10th

December 1955. In this regard he made a correspondence with his likeminded contemporaries like Dr. Ram Manohar Lohia.

The Executive Committee of the Scheduled Castes Federation was held on 30th September 1956 at the residence of Dr. B. R. Ambedkar at New Delhi. Dr. Ambedkar presided over the meeting. As per resolution No. 2 passed in the meeting, it was unanimously decided that by dissolving the Scheduled Castes Federation, the new political party having name 'Republican Party' be established.[1]

Dr. B. R. Ambedkar addressed a Press Conference on 13th October 1956, at Nagpur wherein he categorically stated that he had already drafted Constitution of the Republican Party.[2].

Editors-R. Chandidas, Ward Morehouse, Leon Clark and Richard Fontera—of the volume 'India Votes' mentioned the distinctive features of the Republican Party as follows :

"REPUBLICAN Party of India is an All India Political Party founded by Late Dr. Babasaheb Ambedkar who was the great political thinker, great social revolutionary, and the great Constitutional expert. He dedicated his life to the cause of reconstructing the Indian society based on liberty, equality and fraternity. The Republican Party of India dedicates itself to this great task:

Republican Party of India Stands for Parliamentary Democracy.

1. The Republican Party of India will stand for the Parliamentary system of Government as being the best form of Government both in the interest of the public and in the interest of the individual.

Secularism uphold

2. The Republican Party of India upholds the secular character of the State."[3]

1. Prabuddha Bharat: 6th and 13th Oct. 1956.
2. Prabuddha Bharat: Dr. Ambedkar : Convertion to Buddhism, Special Number, 27th October 1956.
3. India Votes, P. 85.

Following is the text of Blue Print—

Chapter 1

How a Movement Becomes a Political Party

Indian Congress was established in 1885. Upto 1947 it worked as a movement for the achievement of Indian Freedom. It had no defined goal to start with. It began with the demand for good government. After some time it changed its goal. It defined it as self-government. British Political thinking divided it as self-government into two (1) Dominion Status and (2) Independence. By Dominion Status was meant independence with loyalty to a Common King. By Independence was meant independence without loyalty to the King.

For some time the Indian Congress was agreeable to Dominion Status. But a very short while, the Indian Congress in a very dramatic way passed in 1930 a resolution in favour of Independence which it got in 1947.

Upto this time the Congress was like an army recruited not for the purpose of carrying on Parlimentary Democracy but for the purpose of carrying on political warfare against a foreign government. Seeing this Mr. Gandhi very wisely suggested that the Congress be dissolved and the new political parties on party lines be formed for conducting the Government. But the leaders of the Party were ready in their tents with their clothes to take in their hands the reins of Government. They refused to listen to Mr. Gandhi's advice. Ordinarily after peace the army which has fought the way is dissolved. For the simple reason that during a war standards of recruitment are lowered and everybody good, bad and indifferent is allowed to join. In the case of India the army is not only dissolved but is allowed to capture the Government.

We have had ten years experience of the Congress Government. One can say that it is not very credible. Time has come when Mr. Gandhi's advice be taken seriously and we proceed to form another party which would work as an Opposition Party.

Chapter 2

This Chapter consists of the text of Dr. B. R. Ambedkar' s address delivered at Pune on Monday, the 22nd December 1952* under the title, "Conditions precedent for the successful working of Democrary.—Editors.

Chapter 3

Why Parliamentary Government needs an opposition Party ?

Parliamentary Democracy cannot work without the people of educated public opinion. Both Government and Parliament to act rightly must know what public opinion is.

To make it clear, it is necessary to make a distinction between education and propaganda. Government by Propaganda is quite a different thing from Government by Education. Propaganda means presentation of the pros of the matter. Education means Government after hearing pros and cons.

If it is necessary to have both pros and cons presented to the people with regard to any matter calling for the decision of Parliament, then it is obvious that there must be two parties, one party presenting the pros and the other cons, with the existence of party there is nothing but dictatorship. To avoid dictatorship there is a necessity for a second party. This is a crucial matter. People are more concerned with good administration than with good laws. Laws may be good but its administration may be bad.

Whatever the administration of laws turns out to be good or bad depends upon the freedom of officer who is appointed to administer it. When there is only one party, the officer is at the mercy of his political chief called the Minister. The Minister's existence depends upon pleasing the voters and often the Minister is required to force the officer to do wrong to benefit the voters. If there was an opposition party, such action of the Minister would be exposed and the mischief stopped.

* Since the speech is published on Pp. 472-486 in Part 3 of this Volume the text is not reproduced here.

Next perhaps to good administration what people want is freedom of speech and the freedom from arrest. When there is an opposition party, there is freedom of speech and freedom of action. They are in danger when there is no opposition. For no one can raise the question why a particular person is stopped from speaking or prevented from not moving to his destiny.

These are the grounds why an opposition party is necessary. In all countries where there is Parliamentary Government the opposition is recognized as a political institution.

In England and Canada the opposition is a legally recognized body, and Parliament in both countries pays the leader of the opposition a salary so that he can carry out his Parliamentary duties without difficulties.

Chapter 4

What is a party ?

Party is like an army. It must have :—

(1) A Leader who is like a Commander-in-chief.

(2) An Organisation which includes—

(i) Membership (ii) A ground plan (iii) Discipline.

(3) It must have principles and policy.

(4) It must have programmes or plan of work.

(5) It must have tactics and strategy *i.e.* it must plan when to do what and how to reach its goal.

To put in simple terms it is an association of voters with certain objects.

(1) To promote the formation and development of a Party Organisation and foster party through it.

(2) to disseminate party principles through the press and by means of lectures, speeches, literature etc.

(3) to serve as a basis of united political action by the formation of a political party to represent the members of the association in the Legislature to be called the Republican Party.

Chapter-5

Aims and Objects of the Party

1. The Preamble to the Constitution of India says—WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens :

JUSTICE, Social, economic and political;

LIBERTY of thought, expression, belief, faith and worship.

EQUALITY of status and of opportunity; and to promote among all; Fraternity assuring the dignity of the individual and the unity of the Nation :

IN OUR CONSTITUENT ASSEMBLY THIS twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

To realise the aims and objects set out in the Preamble namely JUSTICE, LIBERTY, EQUALITY and FRATERNITY WOULD constitute the aims and objects of the REPUBLICAN PARTY.

These being the aims and objects of the Party, the attitude of the Party in public affairs will be governed by the following principles :—

(1) It will treat all Indians not only as being equal before the law but as being entitled to equality and will accordingly foster equality where it does not exist and uphold it where it is denied.

(2) It will regard every Indian as an end in Himself with a right to his own development in his own way and the State as only a means to that end.

(3) It will sustain the right of every Indian to freedom, religious, economic and political-subject to such limitations as may arise out of the need for the protection of the interest of other Indians or the State.

(4) It will uphold the right of every Indian to equality of opportunity subject to the provision that those who have had none in the past shall have priority over those who had.

(5) It will keep the State ever aware of its obligations to make every Indian free from want and free from fear.

(6) It will insist on the maintenance of liberty, equality and fraternity and will strive for redemption from oppression and exploitation of man by man, of class by class and of nation by nation.

(7) It will stand for the Parliamentary System of Government as being the best form of Government both in the interest of public and in the interest of the individual."

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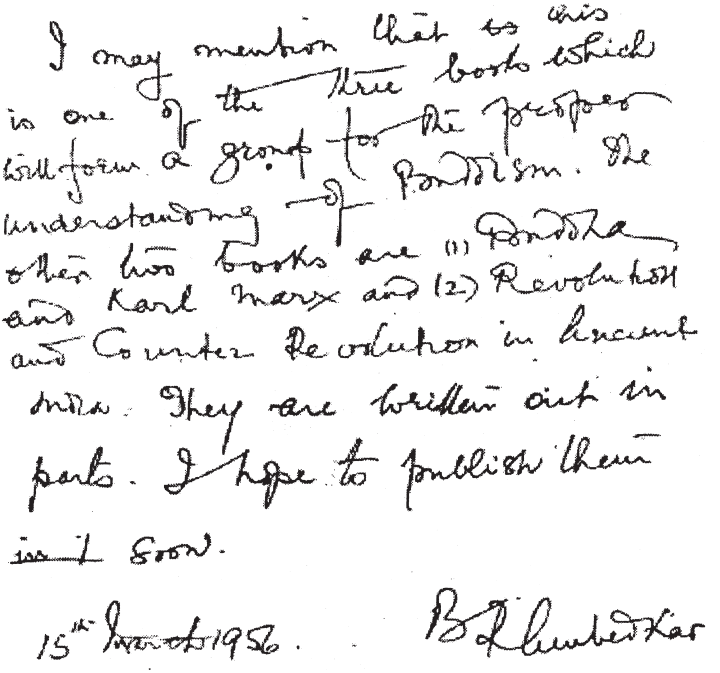
23

'BUDDHA AND HIS DHAMMA' ONE OF THE THREE

"The Preface to Buddha and His Dhamma' was written by Dr. B. R. Ambedkar on March 15,1956, in his own splendid way, in long hand, running into 13 long sheets. Thrice he changed pens to complete it. To make it abundantly clear-leaving no scope for a doubt, concluding para of the 'Preface' reproduced hereunder, bear testimony to what has been stated.


I may mention that to this is one of the three books which will form a group for the proper understanding of Buddhism. The other two books are (1) Buddha and Karl Marx and (2) Revolution and Counter Revolution in Ancient India. They are written out in parts. I hope to publish them in 1 soon.

15th March 1956. B. R. Ambedkar

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15th March 1956. (Sd.) B. R. Ambedkar"[1]

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[1] : Rattu Nanakchand : Last few years of Dr. Ambedkar, P. 197.

24

TRAINING SCHOOL FOR ENTRANCE TO POLITICS

Editorial Note

In 1962, a resolution was moved by Prof. K. T. Shah in the Parliament whether there should be any formal qualifications for the members of Parliament and State Legislatures. The Members felt that there should be some minimum eduational qualifications. But such a prescription would deprive a large number of people from contesting. On this, Dr. Ambedkar, as Minister of Law, suggested that instead of any formal qualifications, the contestants should have knowledge (*Pradnya*) and Charater (*Sheel*). Relevant extract of his speech is as follows :

"However, I suppose those who have supported his resolution have correctly interpreted his mind and taking into account the various speeches that have been made in support of Prof. Shah's Resolution, it appears that many members who are keen about adding some qualification other than those mentioned in the Constitution have in their mind some kind of an educational qualification. But none of them has been very precise : none of them has given me any idea as to what is the standard of education that they would like to prescribe in order that the candidate may become lawfully entitled to stand.

Now it seems to me that education can hardly be the sole qualification for membership of this House. If I may use the words of Buddha, he said that man requires two things. One is *Gyan* and the other is *Sheel*. *Gyan* without *Sheel* is very dangerous : it must be accompanied by *Sheel,* by which we mean character, moral courage, ability to be independent of any kind of temptation, truthful to one's ideals. I did not find any reference to the second qualification in the speeches I have heard from Members who have supported Prof. Shah. But even though I myself, am very keen to see that no Member enters this August Assembly, who does not possess *Sheel* in adequate degree, I find it extremely difficult to find any means or methods to ensure that valuable qualification.

Coming to the question of education, I do not wish to be understood that I regard ignorance to be a virtue : let that be quite clear. I regard education to be a very necessary qualification for possessing that degree of competence which is very necessary for the performance of one's duty. In this House there are people who, although they are not educated, are very competent to voice the grievances of the class whom they represent. I am sure about it. A more educated person would not be able to discharge that function, because he does not know and does not have that experience. But my friends who come from these classes and with whom I have naturally very great sympathy do not realise that what is more necessary for bringing relief to the class of people whom they represent is not merely making speeches in this House but to suggest remedies for the removal of their grievances. To make speeches and to ventilate grievances is a very easy matter but to formulate remedies is a very difficult matter. It requires education and therefore education even from the standpoint of the backward classes, scheduled classes or tribal areas is a very necessary ingredient. How can we ensure it ? When I examined the suggestion that there ought to be some kind of educational qualification, I found that a proposition which is very good in theory or in its academic aspect cannot be given effect to without producing other evils. That is my difficulty. Where will you fix the standard? Will you say that only B. As. should be qualified to be Members of this House? Supposing you do that, what is the result ? Members probably might know that there are many people who are educationally and intellectually far more competent than any graduate, although they have never been inside any college or university. There are any number of them. Are you going to shut out these people who have privately educated themselves, who are equally competent or better than B.As. or M.As., merely because they have not been able to obtain a certificate from a university ? I think that would be a very unfortunate result.

Take another consequence. In this country education is in the lowest grade. Not only that is so but for some reason which all of us know, education has not been universally spread among all the communities in this country. There are communities which are highly educated and there are communities where education is very, very low. Supposing you make B. A. or even matriculation as a standard, are you not making the membership of this House to be a monopoly of the few ? I fear that will be the consequence, supposing you lower down your standard, say, for instance, to the fourth standard, to the study of the three 'R's. or to literacy in order that no community may be excluded from the opportunity of sending its members to this House. Is that qualification any good ? It is of no value at all.

Therefore, my submission is this, that it is a good thing. I am not going to outcry the feeling that there ought to be some education in Members who come to represent their various constituencies in this House. But I just cannot see how you can give legal effect to it. Therefore, my suggestion is that this is a matter which had better be left to the people themselves, or to the political parties who will run the Government. I have no doubt about it that if the political parties, for their own particular purposes, do not attend to this matter, people themselves in course of time will attend to it. People are not going to allow persons who cannot discharge their functions properly in this House to be continued and returned for ever. They want results. They want their welfare to be attended to, and I am sure about it that they will realise that the only instrumentality through which they can achieve this purpose is to send good men to this House. Therefore, I think the proper course is to leave the matter to the people."[1]

Dr. Ambedkar was very much aware that although the elected candidates may have knowledge and character, but still, they need to possess a training of parliamentary legislative procedures. With this thought lingering in his mind, he proposed to establish a 'Training School for Entrance to Politics.'

[1] : Writings and speeches, Vol. 15, Pp 189-191.

In order to invigorate the democratic forces in India and to bring new blood in his proposed Republican Party, Dr. B. R. Ambedkar established 'The Training School for Entrance to Politics' in July, 1956. Dr. Ambedkar was the Director and Shri S. S. Rege was the Registrar. The school was meant for those who cherished the ambition of joining the legislature and it was the first of its kind in the country. He insisted that the new comers must develop oratory in order to put forth their views on various subjects like Economics, Political, Social and Parliamentary procedural matters.

He was in search of a principal with a good personality, wellversed in the subject, having a good delivery on an attractive personality. He was convinced that the reputation of the school greatly depends upon the ability and speaking capacity of the teacher. The school started with 15 students and worked from July, 1, 1956 to March 1957.

Dr. Ambedkar planned to deliver lectures on oratory in the month of December 1956 for the students of this school. But due to untimely demise he could not visit the school.[1]

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[1]: Keer, Pp. 491-492 and Rege, Pp. 80-81.

SECTION II

DR. B. R. AMBEDKAR ON CABINET MISSION AND TRANSFER OF POWER

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CABINET MISSION AND TRANSFER OF POWER

Editorial—Note

"The patriotic upsurge emanated from the I.N.A. Revolt and their Trials, the Revolt raised by the Royal Indian Naval Ratings and the Royal Indian Air Force seemed to break down the imperial structure. It was a clear indication that the Indian army was feeling and experiencing the pangs of freedom. Politics and nationalism had reached their ranks and magnetized their hearts. The Britishers knew that it was no longer possible for them to keep India in bondage. So on March 15, 1946, the British Prime Minister, Clement Atlee, acknowledged India's right to attain full independence within or even without the British Commonwealth and said that they would not allow a minority to place their veto on the advance of the majority.

The British Premier sent out a delegation of three Cabinet Ministers, Sir Stafford Cripps, A.V. Alexander and Lord Pethick Lawrence who was then the Secretary of State for India, to discuss with Indian party leaders on the spot the question of resolving the political deadlock. The British Cabinet delegation* reached New Delhi on March 24, 1946."

"Dr. Ambedkar was authorised by the Scheduled Castes Federation to place memorandum before the Cabinet Mission and plead the Scheduled Castes' case with all force and insight. He emphasised the need of a provision in the Constitution for the election of Depressed Classes candidates through Separate Electorates and demanded adequate representation in the Central and Provincial Legislatures, in the Central and Provincial Executives, in the Public Services and the Public Service Commissions, Federal as well as Provincial. Dr. Ambedkar also urged for earmarked sums for the education of the Scheduled Castes and stressed the need of new settlement for them.

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* For role of the British Cabinet Mission see Appendix-III.

[1] : Keer, P 378.

On May 16, 1946, the Cabinet Mission for the final solution of the Indian deadlock, anounced their scheme in the form of a 'State Papers' which contemplated a Formal Union of India with three groups of Provinces, a plan for Interim Government, and the formation of Constituent Assembly, the members of which were to be elected as a communal basis by the Provincial Legislatures and the representatives of the States joining the Union. The State Paper, however, had no reference to the demands of the Scheduled Castes as put forth by Dr. Ambedkar.'[1]

Dr. B.R. Ambedkar made strenuous efforts to secure the Constitutional Rights in the proposed Constitution for the Scheduled Castes. All these are depicted in the following documents which are self explanatory—Editors.

[1] : Jatav; Dr. Ambedkar's Role in National Movement, Pp 184-185.

1

PROPOSAL FOR REPRESENTATION OF SCHEDULED CASTES IN THE EXECUTIVE COUNCIL

NEW DELHI, 7 JUNE 1945.

Dear Lord Wavell,

I am grateful to you for asking me in my capacity as the leader of the Scheduled Castes to be a member of the Conference which you propose to call in furtherance of your proposal for the Indianisation of the Executive Council. I told you, for reasons which I need not repeat here, that I am unable to accept your offer. Thereupon you desired me to name a substitute. Though I have expressed my disapproval with your proposals, I do not wish to deny you such help as you may derive from the presence of a Scheduled Castes representative in your Conference. I am, therefore, prepared to suggest a substitute. Judging on the suitability of various names that occur to me, I cannot think of any other name than that of Rao Bahadur N. Sivaraj., B.A., B.L. He is the President of the All India Scheduled Castes Federation and is also a member of the Central Legislative Assembly and of the National Defence Council. If you like, you may invite him to the Conference as a representative of the Scheduled Castes.

2. There is one other matter to which I feel I must draw your attention right now. It relates to the extreme inadequacy of the representation given to the Scheduled Castes in His Majesty's Government's proposals for the reconstitution of the Executive Council. Five seats to 90 millions of Muslims, one seat to 50 millions of Untouchables and 1 seat to 6 millions of Sikhs is a strange and sinister kind of political arithmetic which is revolting to my ideas of justice and common sense. I cannot be a party to it. Measured by their needs, the Untouchables should get as much representation as the Muslims, if not more. Leaving needs aside and taking only numbers the Untouchables should get at least

three. Instead, they are offered just one in a Council of fifteen. This is an intolerable position.

This is a matter to which I drew your attention at the meeting of the Executive Council held on the 5th June when you explained His Majesty's Government's proposals to the Council. At the meeting of the 6th morning you replied to the criticisms offered by Members of Council the previous evening on the merits of the proposals. I naturally expected that you would also deal with the point I had raised. But to my great surprise you completely ignored it and made no reference to it whatever. It could not be that I was not emphatic enough. For I was more than emphatic. The conclusion I draw from your omission to refer to it is that either you did not think the matter to be of sufficient importance to deserve your notice or that you thought that I had no intention beyond lodging a protest. It is to remove this impression and to tell you in quite unmistakable terms that I propose to take definite action if His Majesty's Government fail to redress the wrong. Therefore I feel the necessity of writing this letter.

I would not have felt as hurt as I do if such a proposal had come from the Congress or the Hindu Mahasabha. But it is a decision by His Majesty's Government. Even the general Hindu opinion is in favour of increased representation to the Scheduled Castes both in the Legislature and in the Executive. To take the proposals of the Sapru Committee as an indication of general Hindu opinion, the proposal of His Majesty's Government must be admitted to be retrograde. For this is what the Sapru Committee has said:—

> "the representation given to the Sikhs and Scheduled Castes in the Government of India Act is manifestly inadequate and unjust and should be substantially raised. The quantum of increased representation to be given to them should be left to the Constitution making Body.
>
> "Subject to the provisions of clause (b) the executive of the Union shall be a composite cabinet in the sense that the following communities shall be represented on it, *viz.*—

(i) Hindus, other than Scheduled Castes.

(ii) Muslims.

(iii) Scheduled Castes.

(iv) Sikhs.

(v) Indian Christians.

(vi) Anglo-Indians.

"(b) The representation of these communities in the executive shall be, as far as possible, a reflection of their strength in the Legislature."

I may add that two of my Hindu colleagues in the Executive Council have in the memorandum they have presented to you this morning* expressed that the representation given to the Scheduled Castes in His Majesty's Government's proposals is inadequate and unfair. What shocks me (is) that His Majesty's Government with all their profession of being trustees for the Scheduled Castes and contrary to their repeated declarations should have treated their wards in such an ill-liberal, unfair and unjust manner and far worse than enlightened Hindu opinion would have done. I feel it, therefore, my bounden and sacred duty to oppose the proposal by every means at my command. The proposal means a deathknell to the Untouchables and will have the effect of liquidating their efforts over the last 50 years for their emancipation. If His Majesty's Government notwithstanding its many pronouncements wish to hand over the fate of the Untouchables to the tender mercies of Hindu-Muslim combine, His Majesty's Government may well do it. But, I cannot be a party to the suppression of my people. The conclusion to which I have come is to ask His Majesty's Government to redress the wrong and to give to the Untouchables at least 3 seats in the new Executive Council. If His Majesty's Government is not prepare(d) to grant this, then His Majesty's Government should know that I cannot be a member of the newly-constituted Executive Council,

*See No. 482. (Transfer of Power).

even if I was offered a place in it. The Untouchables have been looking forward to a full recognition of their political rights for some time past. I have no doubt that they will be stunned by the decision of His Majesty's Government. And I would not be surprised if the whole of the Scheduled Castes decided as a matter of protest not to have anything to do with the new Government. I am sure their disillusionment will bring about a parting of the ways. This is what I anticipate will be the result of His Majesty's Government's proposals, if they are not revised. So far as I myself am concerned, my decision is made. I may be told that this is not the final shape of things. This is only an interim arrangement. I have been long enough in politics to know concessions and adjustments more (once) made grows into vested rights and how wrong settlements once agreed upon become precedents for future settelement. I cannot, therefore, allow grass to grow under my feet. If I have capacity to judge aright, I visualize that the distribution of seats though it begins as a temporary arrangement will end by becoming permanent. Rather than be left to regret towards the end, I feel I must lodge my protest against it at the very beginning.

It may well be that His Majesty's Government may not mind my eclipse and even the eclipse of the Scheduled Castes from the future Government of India: nor regret the consequent parting of the ways between the British Government in this country and the Scheduled Castes. But I believe it is only fair that His Majesty's Government should know what I have to say about the subject. I have, therefore, to request you to communicate to His Majesty's Government my proposal for increase in the representation of the Scheduled Castes in the Executive Council and the course of action I propose to take if the proposal is rejected by them.

I am,

Yours sincerely,
DR. B.R, AMBEDKAR

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(Wavell Papers, Political Series, April 1944-July 1945 pt. I, Pp. 207-209)

2

MEMORANDUM SUBMITTED TO THE CABINET MISSION

"The Britishers knew that it was no longer possible for them to keep India in bondage. So on March 15,1946, the British Prime Minister, Clement Attlee, acknowledged India's right to attain full independence within or even without the British Common Wealth and said that they would not allow a minority to place their veto on the advance of the majority.

The British Premier sent out a delegation of three Cabinet Ministers, Sir Stafford Cripps, A.V. Alexander and Lord Pethick Lawrence who was then the Secretary of State for India to discuss with Indian party leaders on the spot the question of resolving the Political dead lock. The British Cabinet delegation reached New Delhi on March 24th, 1946, numerous interviews, high level discussions and delicate deliberations took place in the Viceregal Lodge.

Amidst this atmosphere two representatives of the Minority Communities were interviewed by the mission on April 5, 1946. They were Dr. B.R. Ambedkar and Master Tara Singh. Dr. Ambedkar placed a memorandum before the commission....."[1] The Memorandum is as follows :

All - India
Scheduled Castes Federation

MEMORANDUM

Submited By

Dr. B. R. Ambedkar

TO THE

CABINET MISSION

ON

5th April 1946

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[1] : Keer, Pp. 378-379.

Resolution of the Working Committee of the All-India Scheduled Castes Federation passed at its meeting held in Delhi on 2nd April 1946

Part I

General

1. The Working Committee of the All-India Scheduled Castes Federation at its meetings held in Delhi on 2nd April 1946, having given its best consideration to the question of helping the Cabinet Mission to achieve the purpose which it has in view, namely, to make India a self-governing country :

Resolves to place before the Mission its considered views on the problem of how best to achieve the said purpose in a manner which will not merely grant freedom to the Hindu majority but will also free the minority communities and Scheduled Castes in particular from the tyranny of the majority community, which not being political is not liable to be altered and which being communal is a majority fixed for ever.

2. The Working Committee, cannot refrain from repudiating the insinuation made against the Scheduled Castes that they have been putting a veto on the political advancement of India. In the opinion of the working Committee there can be no doubt that responsibility for holding up political advancement of India lies entirely upon the majority community which has arrogantly and unjustifiably claimed to itself the right to determine what safeguards the minority communities and in particular the Scheduled Castes should have and has never cared, indeed has always avoided to produce its blue print of the safeguards for the minority communities and for the Scheduled Castes. All that the Scheduled Castes have done is to insist - and will not hesitate to do so in future - firstly, upon the inclusion of proper safeguards in the Constitution itself for the protection of their rights and liberties and secondly, upon the acceptance by the majority of their right to determine the nature and character of the safeguards they want.

3. The Working Committee thinks it unnecessary to state to the Mission that this stand taken by the Scheduled Castes has been accepted by His Majesty's Government as just and binding upon them as will be seen from the pledges given to the Scheduled Castes by the reprenestatives of His Majesty's Government from time to time in unequivocal terms and which are set out in Appendix I to this Resolution. The Working Committee trusts that the Mission, in the final conclusions that may be reached as a result of the negotiations it has launched upon, will not depart from the pledges given to the Scheduled Castes and will not, in their hurry to settle, allow any other party to dictate to the Scheduled Castes what safeguards they should have.

4. Before proceeding to set out its views on the various issues arising out the purpose of the Mission, the Working Committee desires to draw the attention of the Mission to the results of the Primary elections which have recently taken place in different Provinces, especially because these elections have conclusively proved that the All-India Scheduled Castes Federation is the only organisation, which can claim to speak for the Scheduled Castes of India, and that neither the Congress nor any of the mushroom organisations has any right to speak on their behalf.

PART II

VIEWS ON FINAL CONSTITUTION FOR FREE INDIA

5. In regard to the final Constitution of a free India, the Working Committee of the Federation desires to make it plain to the Mission that the Scheduled Castes will never accept any Constitution which does not contain the following safeguards :

(i) True and adequate representation in all the Legislature-Central and Provincial;

(ii) True and adequate representation in all the Executives-Central and Provincial ;

(iii) Provision for election through separate electorates ;

(iv) Adequate representation in the Public Services ;

(v) Adequate representation on the Public Service Commission—Federal and Provincial;

(vi) Provision of adequate sum in the annual budgets of the Provincial and Central Government for the higher education of the Scheduled Castes ; and

(vii) Provision for new and separate settlements.

6. Without in any way minimising the importance and necessity of any of the foregoing safeguards, the Working Committee regards (1) the provision for separate electorates, (2) provision for adequate representation in the Legislature, in the Executive and in the Services and (3) provision for new and separate settlements, as the most fundamental.

7. As regards the provision for separate electorates, the Working Committee invites the attention of the Mission to the following facts :-

(i) This demand is not a new demand. It was put forth at the Round Table Conference by the representatives of the Scheduled Castes.

(ii) Mr. Gandhi had strongly opposed it. But notwithstanding his opposition, His Majesty's Government felt convince of the necessity of Separate Electorates for the Scheduled Castes, and by their Communal Award of 1932, did grant to the Scheduled Castes Separate Electorates.

(iii) Before the system of Separate Electorates could come into operation Mr. Gandhi declared that he would fast unto death if the Separate Electorates granted to the Scheduled Castes were not withdrawn and did actually enter upon such a fast. The Scheduled Castes under the pressure of Mr. Gandhi's fast—untodeath were coerced into giving up their Separate Electorates.

(iv) The Poona Pact, which took the place of the Communal Award, (1) has saddled the Scheduled Castes with two elections : (a) Primary and (b) Final, the former through Separate Electorates and the latter through Joint Electorates, and (2) has placed the small number of Scheduled Caste voters in joint constituencies at the mercy of a vast number of Caste Hindu voters.

(v) The results of the final elections, as compared with those of the primary elections which are set out in Appendix II, have conclusively proved that the System of Joint Electorates and reserved seats has made a mockery of the right given to the Scheduled Castes to send their true representatives to the Legislature and is a fraud upon the Scheduled Castes.

8. If the Scheduled Castes have not been able to send a single candidate to the Provincial Legislatures, who is elected by the votes of the Scheduled Castes and who can therefore be said to be the true representative of the Scheduled Castes, it is because the joint electorates in which seats have been reserved for the Scheduled Castes have, by reason of the enormous disparity in the voting strength of the Scheduled Castes and the Caste Hindus, become rotten boroughs from the point of view of the Scheduled Castes and pocket boroughs from the point of view of Caste Hindus, who have been able to put up Scheduled Caste candidates, wishing to be their tools and get them elected in the Joint Electorates exclusively with Caste Hindu votes.

9. Having regard to the bitter experience of the System of Joint Electorates which the Scheduled Castes have had in the past, the Working Committee desires to convey to the Mission the deep seated conviction of the Scheduled Castes that the need of restoring Separate Electorates has become paramount, as they believe and rightly that Separate Electorates form the only guarantee against the nullification by the Caste Hindus of their constitutional safeguards and that without Separate Electorates no amount of political safeguards will be of any avail to the Scheduled Castes.

10. On the question of provision for adequate representation in the Legislature, Executive and Services, the Working Committee condemns out-right the offer of token representation often made to the Scheduled Castes and expresses its strong opposition to the grant of weightage to other minorities which cannot but deprive the Scheduled Castes of their due share. The Working Committee wishes to emphasize the fact that the Scheduled Castes form the third important element in the national life of India and that they will not be satisfied unless they are given substantial representation in accordance with their need and their numbers.

The Working Committee would be happy if it could convey to the Mission the horror the Scheduled Castes feel at the mere thought of Police and Revenue Services, manned as they are entirely by Caste Hindus, who are oppressing, tyrannising and discriminating against, the Scheduled Castes even when they are working under the British Government, deriving further support for their acts of tyranny and oppression from a Legislature and an Executive dominated by Caste Hindus. Unless provision is made for, a substantial representation of the Scheduled Castes in the Legislature, Executive and Public Services, there can be no safety to the Scheduled Castes, surrounded as they will be by an indifferent Legislature, a Pro-Hindu Executive and an anti-Scheduled Caste Policy.

11. As to the provision for separate settlements, it is the considered opinion of the Working Committee that :-

(a) The existing village system has the effect of making the Scheduled Castes in the villages slaves of the Caste Hindus. And if notwithstanding that the Penal Code does not recognize slavery, the Scheduled Castes in every village all over India are in fact the slaves of the Hindus, it is because of the village system. Indeed, a more effective method of enforcing slavery upon the Untouchables could not have been devised.

(b) The existing village system under which everyone knows who is a touchable and who is an Untouchable, has the effect of making Untouchability permanent. Indeed, a more effective method of making Untouchability permanent could not have been found.

(c) Under the village system —

(i) The Scheduled Castes are not allowed to live inside the village. They have to live on the outskirts. They are not allowed to take water from the village well. They are not allowed to send their children to the village schools. No barber in the village will shave them. They are a community apart, with no son of communion with the Caste Hindu residents of the village.

(ii) They have no independent means of livelihood. They own no land. There is no avenue open to them for earning an independent living. The Hindu village is the only market they have. But no Hindu can buy from them. A majority of them live by begging food from their Hindu patrons in the village. They form a mass of landless labour, utterly destitute, a class of hereditary paupers, waiting to eke out such livelihood as they can from such employment and on such wages as the Hindu landowners may give.

(iii) They have to do forced labour day in and day out on pain of being driven away from their quarters by the Hindu landholders, who look upon them as a cheap labour force, on which all of them can draw, and are, therefore, always ready to combine against the Scheduled Castes.

(iv) They have to live a life of degradation, dishonour and ignomy from generation to generation. It is a state of eternal perdition. They cannot wear clean clothes, they cannot wear ornaments, they cannot eat rich food, they cannot sit on a chair in the presence of a Hindu and they must do all the dirty jobs.

(v) The tyranny of the village Hindus upon the Scheduled Castes is so great and has become so pervasive that as the last election has shown, the Scheduled Castes cannot even exercise their right to vote for a candidate of their choice, if the Hindu villagers do not like him.

(vi) The village system makes any progress on the part of Scheduled Castes impossible inasmuch as it enables the Hindus to use that most formidable weapon of social boycott with which they always threaten the Scheduled Castes and which they use to hold them down and compell them to abandon any act or movement however beneficial it may be from the point of view of the Scheduled Castes, if it happens to offend Hindu interests or Hindu sentiments.

12. So long as this village organisation remains unbroken, there can be no doubt that the Scheduled Castes will continue to remain the Untouchables, subject to the tyranny and oppression of the Caste Hindus and will never be able to enjoy free, full and honourable life. The Working Committee has, after long and mature deliberation, come to the conclusion that for the better protection of the Scheduled Castes from the tyranny and oppression of the Caste Hindus, which may assume vast magnitude under *Swaraj,* which is only another name for Hindu *Raj,* and to enable the Scheduled Castes to develop to their fullest manhood, to give them economic and social security, as also to pave the way for the removal of Untouchability, radical change must be made in the village system if the Scheduled Castes are to be freed from the ills from which they are suffering for so many centuries at the hands of the Hindus. Realising the necessity of a change being made in the village system, the Working Committee holds that it is imperative to make provision in the Constitution of India along the following lines : -

(i) The Constitution should provide for the transfer of the Scheduled Castes from their present habitations and form separate Scheduled Castes villages, away from and independent of Hindu villages.

(ii) For the settlement of the Scheduled Castes in new villages a provision should be made in the Constitution for the establishment of a Settlement Commission,

(iii) All Government land, which is cultivable and which is not occupied, shall be handed over to the commission to be held in trust for the purpose of making new settlements of the Scheduled Castes.

(iv) The Commission should be given the right to purchase new land from private owners in fulfilment of the scheme of settlement of the Scheduled Castes.

(v) The Constitution should impose an obligation upon the Central Government to grant to the Settlement Commission a minimum sum of Rupees five crores per annum to enable the Commission to carry out their duty in this behalf.

PART III

Treaty Between India And H. M. G.

13. The Working Committee has given its best consideration, to the proposal of a treaty between Free India and His Majesty's Government. The Working Committee understands that the idea behind the Treaty is to give protection to the minorities and to other interests to whom His Majesty's Government has given pledge, even after India has become independent. The Working Committee while appreciating the intention behind the proposal of a Treaty, is unable to follow how it is possible to have such a Treaty overriding the Constitution, having regard to the fact that India is to be a free and independent country, and if the Treaty is not to override the Constitution, of what good can it be to the minorities. The Working Committee has come to the conclusion that the Scheduled Castes would prefer to have their safeguards embodied in the Consitution instead of being set out in a treaty, which has no binding force.

PART - IV

Constituent Assembly

14. The Working Committee is definitely of opinion : -

(i) That the Constituent Assembly is unnecessary and incompetent for dealing with purely constitutional questions.

(ii) That the Constituent Assembly will be useless for dealing with communal questions, for no minority will be prepared to accept the decisions of the majority.

(iii) That the Constituent Assembly would be open to corrupt practices and it will give a free hand to a strong and wealthy party to buy members of the Scheduled Castes to vote - with them.

(iv) That in the Constituent Assembly, the Scheduled Castes would be completely out-numbered and they cannot, therefore, have any effective say in its decisions.

For these reasons, the Working Committee is opposed to the project of a Constituent Assembly.

PART V

Views On Interim Government

15. No interim Government shall be acceptable to the Scheduled Castes unless and until the following conditions precedent are fulfilled : -

(i) That provision is made for proper representation of the Scheduled Castes in the Central Legislative Assembly by the abolition of the nominated official block and filling the seats thus rendered vacant by the nomination of sufficient number of Scheduled Castes representatives.

(ii) That provision is made for representation of the Scheduled Castes by allotting to them in the Executive Council not less than half the seats that may be allotted to the Muslims.

(iii) That no alteration, which will adversely affect the Scheduled Castes, shall be made in the Government of India Resolution of 1943 regarding representation of the Scheduled Castes in the Public Services without the consent of the Governor General.

(iv) That the financial provision made by the Government of India for the higher education of the Scheduled Castes shall not be abrogated or modified to the prejudice of the Scheduled Castes without the consent of the Governor General.

(v) That the principles underlying the safeguards for the Scheduled Castes in the Final Constitution of a Free India are accepted in advance by the Parties, as was stated by Lord Wavell in his letter of 15th August 1944 to Mr. Gandhi.

PART VI

Views On Pakistan

16. The Working Committee is aware of the demand for Pakistan. The Scheduled Castes are deeply concerned in the issues involved in this demand. The Working Committee, however, feels that no useful purpose would be served by expressing the views of the Scheduled Castes thereon at this stage and prefers to reserve its views till it is known that there is no escape from it.

APPENDIX I

Pledges And Pronouncements

1. "The authors stated that the Depressed Classes also should learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are sixty or seventy Caste Hindus. To make good the principles of paras, 51, 152, 154 and 155 of the Report we must treat the outcaste more generously. We think there should be in each council enough representatives of the Depressed Classes to save them from being entirely submerged, and at the same time to stimulate some capacity for collective action. In the case of Madras, we suggest that they should be given six seats; in Bengal, the United Provinces and Bihar and Orissa, we would give them four; in the Central Provinces and, Bombay two and elsewhere one. In these respects we think that the Committee's report clearly requires modification."

—Extract from the Fifth Despatch of the Government of India dated 23rd April, 1919 on the Report of the Southborough Committee on Franchise.

2. "Nor must forget the essential necessity in the interests of Indian unity, of the inclusion of the Indian States in any Constitutional scheme.

I need refer only to two of them—the great Muslim minority and the Scheduled Castes—there are the guarantees that have been given to the minorities in the past; the fact that their position must be safeguarded, and that those guarantees must be honoured."

—Extract from the speech made by Lord Linlithgow, at the Orient Club, Bombay, on January 10, 1940.

3. "These are two main points which have emerged. On these two points, His Majesty's Government now desires me to make their position clear. The first is as to the position of the minorities in relation to any future Constitutional scheme

It goes without saying that they (H. M. Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government."

—Extract from the Statement by Lord Linlithgow on 8th August 1940.

4. "Congress leaders ..... have built up a remarkable organization, the most efficient political machine in India..... if only they had suceeded, if the Congress could in fact speak, as it professes to speak, for all the main elements in India's national life, then however advanced their demands, our problem would have been in many respects far easier than it is to-day. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life. These others assert their right to be regarded not as more numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stand the great Muslim community. They will have nothing to do with a constitution framed by a constituent assembly elected by a majority vote in geographical

constituencies. They claim the right in any constitutional discussions to be regarded as an entity against the operations of a mere numerical majority. The same applies to the great body what are known as the Scheduled Castes who feel, in spite of Mr. Gandhi's earnest endeavours on their behalf, that as a community, they stand outside the main body of the Hindu community which is represented by the Congress."

—Extract from the speech by The Rt. Hon'ble Mr. L. S. Amery, Secretary of State for India, in the House of Commons on August 14, 1940.

5. "3. Without recapitulating all the * ..... reasons in detail, I should remind you that His Majesty's Government * ..... at time made it clear;

(a) That their offer of unqualified freedom after the cessation of hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government.

(b) That it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a "National Government" such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interests of the racial and religious minorities, of the Depressed Classes and their Treaty obligations to the Indian States,"

—Extract from the letter by Lord Wavell to Mr. Gandhi, dated 15th August, 1944.

* Illegible

Appendix II

Constituency	Primary Election		Final Election	
	Votes cast in favour of Congress Candidate	votes cast in favour of Federation Candidate	Votes cast in favour of Congress Candidate	Votes cast in favour of Federation Candidate
I - Bombay City				
1. Bombay (Parel, Byculla)	2,096	11,096	43,456	39,498
2. Bombay City (North and Suburban)	2,088	12,899	59,646	42,510
II - Central Provinces				
1. Nagpur - Umrer	270	1,933	Results of the Final Elections not available	
2. Hinghanghat - Wardha	342	1,339		
3. Bhandara -Sakoli	976	3,187		
4. Yeotmal-Darwa	514	452		
III - Punjab				
1. Karnal	519	1,691	Non - Congress returned unopposed	
2. Ambala-Simla	1,392	6,509	10,503	7,533
3. Hoshiarpur (West)	641	6,577	16,307	19,134
4. Jullundar	775	7,750	18,018	21,476
5. Ludhiana - Ferozpore	812	5,986	24,352	Figures not available

Appendix II — Contd.

Constituency	Primary Election			Final Election	
	Votes cast in favour of Congress Candidate	votes cast in favour of Federation Candidate	Other	Votes cast in favour of Congress Candidate	Votes cast in favour of Federation Candidate
IV - Madras					
1. Amalapuram	2,683	10,540	2,321		
2. Coconada	1,411	7.590	...		
3. Bandar	4,914	12.182	11,442		
4. Guddappah	3,482	1,360	...		
5. Penukonda	2,564	2,567	...	Results not known	
6. Thiru-vannomala	1,960	1,874	...		
7. Tindivanam	2.785	2,679	209		
8. Mannar - gudi	2,893	No candidate	6,505		
9. Pollachi	2,430	791	337		
10. Namakal	2,336	2,069	...		

Note **: -** In the Primary Election a voter has only one vote while in the Final Election a voter has as many votes as there are seats. Except in the Madras Presidency where the distribution system is compulsory, in all other Provinces the voter is free to distribute his votes as he likes.

Appendix III

Relative strength of Caste Hindu voters and Scheduled Caste voters in Constituencies in which seats are reserved for Scheduled Castes in Bombay Province

	Name of the General Constituency	Total of voters	Total of General voters	Total of Scheduled Caste voters
1.	Bombay City North & Bombay Sub - urban Dist.	2,10,268	1,67,002	34,266
2.	Bombay City (Byculla and Parel)	1,70,511	1,52,991	28,520
3.	Kaira District	1,46,584	1,39,266	7,318
4.	Surat District	90,435	85,670	4,765
5.	Thana South	72,416	67,749	4,667
6.	Ahmadnagar South	82,989	75,607	7,382
7.	East Khandesh East	1,01,486	91,377	10,109
8.	Nasik West	1,11,969	99,271	12,698
9.	Poona West	91,368	77,389	13,979
10.	Satara North	1,05,352	94,200	11,152
11.	Solapur North-East	74,296	64,583	9,713
12.	Belgaum North-East	97,725	79,422	18,303
13.	Bijapur North	69,478	60,485	8,993
14.	Kolaba District	1,07,638	1,02,637	5,001
15.	Ratnagiri North	36,531	33,002	3,329

Note: **-** In the above table, General voters mean Caste Hindu voters. This table shows how the Scheduled Caste voters are vastly out numbered by the Caste Hindu voters and how impossible it is for the Scheduled Caste voters to win the reserved seat in the joint electorate by dint of their voting strength, even if everyone of the Scheduled Caste voter were to come to poll. Exactly the same sort of situation exist in other Provinces.

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DR. AMBEDKAR'S INTERVIEW WITH CABINET MISSION

Cabinet Mission interviewed Dr. B. R. Ambedkar as a representative of the All India Scheduled Castes Federation. Similarly, Mr. Jagjiwan Ram, Mr. Radhanath Das and Mr. Prithvi Singh Azad were also interviewed as representatives of All India Depressed Class League—Editors

"Dr. Ambedkar was interviewed on behalf of the Scheduled Castes Federation. In reply to an enquiry as to the method of representation of Scheduled Castes in the constituent assembly he said that he did not want a constituent assembly at all. It would be dominated by the Caste Hindus and the Scheduled Castes would be no more than a small minority which would always be outvoted. All the assurances of protection which His Majesty's Government had given to the minorities would go by the board.

His own proposal was that the tasks envisaged for the constituent assembly should be divided into two classes, namely (a) constitutional questions properly so called, *e.g.* the relation between the legislature and the executive and their respective composition and functions, and (b) communal questions. Matters under (a) should be referred to a commission presided over by an eminent constitutional lawyer from Great Britain or the U.S.A. The other members should be two Indian experts and one representative each of the Hindu and Muslim Communities. The terms of reference should be the Government of India Act of 1935 and the Commission should be required to recommend what changes should be made in the Act as it stood. Matters under (b) should be referred to a conference of the leaders of the different communities. If the conference failed to arrive at an agreed solution, His Majesty's Government should make an award.

Dr. Ambedkar claimed that, before they left, the British must ensure that the new constitution guaranteed to the Scheduled Castes, he elementary human rights of life, liberty and the pursuit of happiness, and that it restored their Separate Electorates and gave

them the other safeguards which they demanded. The Secretary of State suggested that Indian politics had been dominated by two issues, the question of winning independence from British rule and the Hindu-Muslim problem. Once these were out of the way, party divisions would probably on economic issues. Surely the Scheduled Castes would have a better chance of securing their rights by allaying themselves with the left wing than by relying on British, who were about to hand over power. Dr. Ambedkar reiterated that so long as there were joint electorates Scheduled Caste voters would be so few that Hindu candidates could safely ignore their wishes. Caste Hindus would never support Scheduled Caste candidates. Separate Electorates were fundamental, without them the Scheduled Castes would never have their own representatives."[1]

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[1] : The Transfer of Power in India, Pp. 243-44. Quoted, Khairmode, Vol.8, Pp. 62-64.

For interviews of Jagjivan Ram, Radhanath Das and Prithvi Singh Azad, see Appendix No. IV.

4

A NOTE ON THE MEETING BETWEEN DR. B. R. AMBEDKAR AND FIELD MARSHAL VISCOUNT WAVELL

Dr. B. R. Ambedkar submitted a memorandum to the Cabinate Mission on Policy of Schedule Castes Federation on 5th April 1946 and a meeting was held on the same day at 12 noon between Dr. B. R. Ambedkar and Cabinate Mission including Field Marshal Viscount Wavell. After the meeting a note was prepared which is as follows.—Editors.

Secret

Dr. Ambedkar said that he had little to add to the memorandum, of which copies had been supplied to the Delegation, giving the text of the resolution passed by the Working Committee of the All India Scheduled Castes Federation at its meeting on April 2nd. Paragraph 5 of this memorandum contained a list of safeguards which were largely designed to secure to the Scheduled Castes adequate representation in Government and the Public Services. The Federation would never accept any constitution in which these were not included.

On the question of Pakistan, Dr. Ambedkar doubted whether Muslims as a whole would really be benefited by the new State. So many of them would have to remain in Hindustan and would be unwilling or unable to migrate.

He wondered whether Pakistan, was a permanent or a passing mood on the part of the Muslims. Quite probably it would pass. But it was impossible to wait and see and the Muslim demand had grown so strong that it had become necessary to meet it somehow. In his book on the subject he had proposed that this dilemma should be resolved by an adaptation of the solution which Mr. Asquith had propounded in 1920 for the Irish problem. Mr. Asquith had suggested that Ulster should be separated from the rest of Ireland for six years; but that a council consisting of representatives of both parts of the country should be established to deal with matters of common concern during this period. At the end of the six years Ulster would have had to choose whether

to remain separate or to reunite with Southern Ireland. Similarly, Dr. Ambedkar had proposed that Pakistan should be given independence for ten years, at the end of which it would be known whether it was an economic proposition. He admitted that if the people of Pakistan then wished to join up with Hindustan they would be in a weak position to negotiate and all the bargaining counters would be on the other side. During the ten-year period there might be a common council, but it would be purely consultative and would have no executive power. Any All-India Central Government to which the Muslims could, in their present mood, be brought to agree would be so weak as to be useless. There were many other fissiparous tendencies besides the Muslim demand for Pakistan, and the only Central Government worth having would be a strong one which could hold the country together.

In reply to an enquiry on the method of representation of the Scheduled Castes in the Constituent Assembly, Dr. Ambedkar said that he did not want a Constituent Assembly at all. It would be dominated by the Caste Hindus, and the Scheduled Caste members would be no more than a small minority which would always be outvoted even if a three-quarters or a two-thirds majority were required for the Assembly's decisions. All the assurances of protection which His Majesty's Government had given to the minorities would go by the board. Moreover, there would be an immense amount of corruption in the Assembly-members would be bought over to vote against the interests of their communities.

His own proposal was that the tasks envisaged for the Constituent Assembly should be divided into two classes, viz :—

(a) Constitutional questions properly so-called, *e.g.* the relations between the Legislature and the Executive and their respective composition and functions. There was no great controversy about these matters which did not excite the emotions. To deal with them was beyond the mental capacity of the type of man whom Provincial Assemblies might be expected to send up, and was a job for experts.

(b) Communal questions.

Questions under the first of these headings should be referred

to a commission presided over by an eminent constitutional lawyer from Great Britain or the U.S.A. The other members should be two Indian experts and one representative each of the Hindu and Muslim communities. The terms of reference of the Commission should be the Government of India Act of 1,935 and they should be required to recommend what changes should be made in the Act as it stood.

Questions under (b) should be referred to a conference of the leaders of the different communities. If the conference failed to arrive at an agreed solution, His Majesty's Government would have to make an award. This would no doubt be accepted if it Were reasonable.

Dr. Ambedkar then described the position of the Scheduled Castes today. It was estimated that they numbered sixty million, though this figure was probably inaccurate, firstly, because there were no reliable statistics for the States and, secondly, because the census had become mixed up with politics. All these people were subject to very serious disabilities. In the villages they were without land and were virtually the slaves of the Caste Hindus. As an instance of the power of the latter, he said that when some Untouchables had escaped from their villages to take up well-paid work under the Military authorities, the Caste Hindus had managed to force them back to work for them. Owing to the preponderance of Caste Hindus in the Subordinate Police and Revenue Services the Government was already, from the point of view of the Untouchables, not a British but a Hindu one. An example has been the recent arrest of 100 of their boys in Bombay for throwing stones at Mr. Gandhi, when the police had also taken the opportunity to do considerable damage in the Scheduled Caste area of the city.

Politically, although the Scheduled Castes like the other communities, had been granted Separate Electorates in 1932, they had virtually been deprived of them, be the Poona Pact. Instead, they had got the system of double elections which meant that in

the second election, in which all the Hindus voted, the Caste Hindus could *nullify* the result of the first election in which Untouchables were the only voters. He referred to the figures appended to the Working Committee's resolution of April 2nd which showed, firstly, that in many cases the Congress Scheduled Caste candidates, though outvoted by the Federation candidates in the primary elections, had beaten them in the final elections : and, secondly, how small was the number of Scheduled Caste voters in comparison with the total of general voters. Even so, Congress had resorted to loot and arson to ensure the success of their condidates; he produced a volume of photographs to show what they had done.

The Central Legislature had been in existence since 1919, yet no questions were ever asked, resolutions moved or anything else done with the object of helping the Scheduled Castes.

In the Indian States the position of the Scheduled Castes was especially bad. There were even certain foods which they were not allowed to eat. In the representative institutions which were now being established in certain States, no community had been given separate representation except the Muslims. The Political Department should have taken greater interest in these constitutional experiments, and should have seen to it that the Scheduled Castes were given separate electorates. The Delegation should see the President of the All-India Scheduled Castes States Conference.

The Scheduled Castes had been the earliest source of man-power for the East India Company's army, and so it was with their help that the British had conquered India. They had been the friends of the British ever since. Yet the British had never consciously and deliberately helped them, though since 1892 they had given enormous help to the Muslims.

He thought that if India became independent it would be one of the greatest disasters that could happen. Before they left, the British must ensure that the new constitution guaranteed to the Scheduled Castes the elementary human rights of life, liberty and the pursuit of happiness, and that it restored their Separate Electorates and gave them the other safeguards which they

demanded. At present disillusionment was driving his followers towards terrorism and communism. He was on trial with them for the efficacy of constitutional methods.

Lord Pethick-Lawrence said that up to now Indian politics had been dominated by two issues, the question of winning independence from British rule and the Hindu-Muslim problem. Once these were out of the way party divisions would probably be on economic issues. Surely the Scheduled Castes would have a better chance of getting their rights by allaying themselves with the left wing than by relying on the British who were about to hand over power. In reply Dr. Ambedker reiterated that so long as there were joint electorates, Scheduled Caste voters would be so few that Hindu candidates could safely ignore their wishes. Caste Hindus would never support Scheduled Caste candidates. Admittedly under the present system they had to vote for the Untouchables in the final elections; but their object in doing so was never to favour their own candidate but merely to outvote the candidate put up by his own Federation. Separate Electorates were fundamental, since without them the Scheduled Castes would never have their own representatives.

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The Transfer of power Vol. VII, No. 58, pp.-144-147.

5

SEPARATE SETTLEMENTS FOR UNTOUCHABLES

Dr. B. R. Ambedkar submitted a memorandum to the Cabinet Mission demanding separate settlement of villages for Untouchables. In his press interview he clarified his views on this issue—Editors.

"The view that the demand of the Scheduled Castes for separate villages was not an encroachment on the rights of any party, was expressed by Dr. B. R. Ambedkar, Labour Member of Government of India, in an interview.

Dr. Ambedkar said that there were large areas of cultivable waste land lying untenanted in the country which could be set apart for the settlement of Scheduled Castes. Government could form a trust to give effect to the proposal.

Objection, he thought, would come only from those who had been accustomed to using the Scheduled Castes as a source of labour which was available to do all the unclean jobs and who could be forced to work at the cheapest wage rate. They would like to perpetuate this slavery. Because of intolerable conditions under which the Scheduled Castes lived in provinces like Bombay and Madras, it was necessary to have separate villages for them.

Dr. Ambedkar explained that the village being a social and not an economic unit of society, there was no need to fear an economic strangulation of these separate villages. The produce of these areas would be sent to places where it would be welcome.

Asked if the demand applied to the Pakistan areas Dr. Ambedkar said that it did. At present there was nothing concrete about Pakistan. The question of setting up separate villages would arise when it took concrete shape.

The position of the Scheduled Castes, he said was analogous to that of the *Bantu* and other tribes of South Africa. He did not see why provision should not be made in the future Indian constitution to safeguard the interest of the Scheduled Castes in the same way as was done in the South African Constitution in the case of the *Bantus* —

A.P.I."

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[1] : Jai Bheem : 7th May 1946.

6

PROTEST LETTER AGAINST THE PROPOSALS OF CABINATE MISSION

Bhimrao R. Ambedkar,
M.A. Ph.D., D.Sc, Barrister-at-law,
Member, Governor General's
Executive Council.

22, Prithviraj Road,
New Delhi,
Dated, 3rd May 1946.

Dear Lord Wavell,

The omission on the part of the Cabinet Mission to invite a representative of the Scheduled Castes to their Conference in Simla has given rise to many misgivings in the minds of the Scheduled Castes as to how the Cabinet Mission proposes to dispose of their demand for constitutional safeguards. As the situation is critical, I like to acquaint you with the reactions of the Scheduled Castes in this connection.

The omission to invite a representative of the Scheduled Castes to the Simla Conference is capable of many explanations. One explanation that appears to me to be plausible is that the demands of the Scheduled Castes are such that they do not require the consent of other parties inasmuch as they do not trench upon their legitimate rights. This is certainly so at least with regard to three of their demands, namely, (1) separate electorates, (2) proper representation in the Central Executive, and (3) undertaking from parties to accept certain general principles in regard to the safeguarding of the interest of the Scheduled Castes in the future constitution as a condition precedent for an interim Government.

That the demands of the Scheduled Castes do not require the consent of other parties is a view which I had urged very strongly upon the Mission in the course of my interview on the 5th of April 1946.

The demand for Separate Electorates by a Majority Community as is the case of Muslims in the Punjab, N.W.F. Province, Sind and

Bengal, stands on a different footing from the demand for Separate Electorates by a Minority Community such as the Scheduled Castes. A demand for Separate Electorates by a Majority Community must require the consent of the Minority Community. But the demand for Separate Electorates by a Minority Community can never be made dependent upon the wishes of the Majority Community. The Electorate is primarily a mechanism devised for protecting a Minority against the Majority. That being so, whether the Electorate should be joint or separate must be left entirely to Minority to determine on the ground that the Minority knows what is best in its own interest. The Majority can have no say in the matter and must really accept the decision of the Minority. Following this up, the Hindus can have very little to say as to whether the Scheduled Castes should or should not have Separate Electorates.

The demand of the Scheduled Castes for Separate Electorates does not adversely affect any other community, not even the Hindus. That is why this demand is accepted by all other Communities. The contention of the Hindus that the Scheduled Castes are Hindus and therefore cannot have a Separate Electorates is simply purile and misses the essential point that Separate Electorates is really a mechanism for the protection of the minorities and has nothing to do with religion. If any evidence of this is necessary, one could refer to the case of Europeans, Anglo-Indians and Indian Christians who are all one by religion yet each have a Separate Electorate.

If the Cabinet Mission took these facts and arguments into consideration there would be nothing unnatural if it accepted the contention of the Scheduled Castes that the consent of the Hindus is not necessary and that it was entirely a matter for the Cabinet Mission to decide, particularly when it has been proved that Joint Electorates have made representation of the Scheduled Castes a farce.

The second demand of the Scheduled Castes that their representation in the Interim Government should be 50% of the representation granted to the Muslims is also a demand for which the consent of the Hindus is not necessary before it could be

conceded. It is for the Mission to decide what representation the Scheduled Castes should have in the Central Executive having regard to their numbers and the weight of the disabilities they are suffering from and the lee-way they have to make to bring themselves in line with other advanced communities. You will remember that this question was raised by me at the time of the last Simla Conference and you were prepared to give two seats to the Scheduled Castes which was just a little less than 50 per cent offered to the Muslims.

There is nothing new in the third demand. It is merely a reiteration of your own view which you expressed to Mr. Gandhi in your letter of 15th August 1944. In para 5 of that letter you said :--

> "It is clear in these circumstances that no purpose will be served by discussion on the basis which you suggest. If, however, the leaders of the Hindus, the Muslims and the important minorities were willing to co-operate in a transitional Government established and working within the present constitution, I believe good progress might be made. *For such a transitional Government to succeed, there must, before it is formed, be agreement in principle between Hindus and Muslims and all important elements as to the method by which the new constitution should be framed."*

This principle which you enunciated must be presumed to have been made on behalf of His Majesty's Government and as such it must be binding on the Cabinet Mission. Consent of parties would seem to be quite unnecessary for the Mission to give effect to this principle, which is all that the Scheduled Castes have demanded.

If I may say so, these contentions have sufficient force to lead to the conclusion that Mission does not think that the consent of the Hindus is necessary before it can pronounce upon the demands of the Scheduled Castes and that this is why the Scheduled Castes have not been invited to sent their representatives to the Simla Conference.

But unfortunately this is not the only explanation that comes to one's mind. There is another explanation which is possible. It is that the Cabinet Mission regards an agreement between the Congress and the Muslim League enough to give them a clear line to proceed with the formation of the interim Constitution as well as for determining the machinery for shaping the future constitution of India without waiting to consider the case of the Scheduled Castes.

The Scheduled Castes are filled with anxiety as they do not know definitely what the plan of the Mission is. If the Mission has adopted the second plan, which may well be the fact, then I feel that I shall be failing in my duty if I did not lodge my protest against this betrayal of the Scheduled Castes and inform the Mission that they will be wholly responsible for the consequences that might ensue.

This letter is written by me in my capacity as a respresentative of the Scheduled Castes. It is addressed to you in your capacity as a Member of the Cabinet Mission. I shall be grateful if you will be so good to circulate it to your colleagues.

I am,

Yours Sincerely,

B.R. Ambedkar.

His Excellency Field Marshal
The Right Hon'ble Viscount Wavell of
Cyrenaica and Winchester, SIMLA.
G.C.B., G.M.S.I., G.M.I.E., C.M.G., M.C.,
Viceroy & Governor General of India

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Source ; Privately printed leaflet by Dr. Ambedkar.

7

LETTER TO A. V. ALEXANDER ABOUT THE PROPOSALS OF CABINET MISSION

Bhimrao R. Ambedkar,
MA. Ph.D., D.Sc., Barrister-at-law,
Member, Governor General's
Executive Council.

22, Prithviraj Road,
New Delhi,
Dated, 14th May 1946.

Dear Mr. Alexander,

It is a pity that your efforts to bring about a settlement between the Congress and the League should have failed. I know you deserve every sympathy and every gratitude. At the same time, I cannot help saying that the Mission's effort to settle reminds me of an old Baniya who being without a son to inherit his wealth married a young girl with the hope of begetting a heir. The bride conceived but the bridegroom was striken with a fell-disease. He, however, refused to die without having a look at the baby and would not wait for delivery which was far off. He was so impatient that he called the doctor, asked him to open the stomach of his wife and let him see whether it was a boy or a girl. The result of the operation was that both the baby and the mother died. If I may say so, the Mission wanted to do very much what the Baniya did. You may not be aware but there are many who, like me, feel that the Mission was engaged in bringing about a forced delivery earlier than the natural period of gestation.

2. To my mind, it is only right to say that the Hindus and the Muslims are today mentally incompetent to decide upon the destiny of this country. Both Hindus and Muslims are just crowds. It must be within your experience that a crowd is less moved by material profit than by a passion collectively shared. It is easier to persuade a mass of men to sacrifice itself collectively than to act upon a cool assessment of advantages. A crowd easily

loses all sense of profit and loss. It is moved by motives which may be high or low, genial or barbarous, compassionate or cruel, but is always above or below reason. The common sense of each is lost in the emotion of all. It is easier to persuade a crowd to commit suicide than to accept a legacy. It is not for me to advise you how you should proceed. The Mission has found greater wisdom and higher inspiration in the Bhangi Basti and in 10 Aurangazeb Road. I would be the last person to say anything in depreciation of such wisdom and inspiration. But I do think that if the Mission were not to exhibit the pathetic spectacle of an old man in a hurry, a phrase used by Chamberlain to describe Gladstone engaged in his campaign for Irish Home Rule and allow that in diplomacy is called 'Cooling period' they will find that they have an easier situation to deal with.

3. That is a matter for the Mission, for the major parties and those who have put their faith in the major parties. I am concerned in knowing how you propose to deal with the problem of the Untouchables and their demand for constitutional safeguards. In the official statement issued by the Mission on the last day of the Simla talks, it is said that the Mission will announce the next step it proposes to take within a few days after they return to Delhi. Obviously, the eyes of all the Scheduled Castes are turned towards this announcement. What the Mission will do will ultimately decide their fate. The decision of the Mission will either open to the Untouchables the path of life, liberty and pursuit of happiness or it will drive a nail in their coffin. The question being one of life and death it would not be wrong if I were to engage your attention for a few minutes with the problem of the Untouchables.

4. The problem of the Untouchables is a formidable one for the Untouchables to face. But fortunately it is simple to understand if only the following facts are borne in mind. The Untouchables are surrounded by a vast mass of Hindu population which is hostile to them and which is not ashamed of committing any inequity or atrocity against them. For a redress of these wrongs which are matter of daily occurrence, the Untouchables have to call in the aid of the administration. What is the

character and composition of this administration ? To be brief, the administration in India is completely in the hands of the Hindus. It is their monopoly. From top to bottom it is controlled by them. There is no Department which is not dominated by them. They dominate the Police, the Magistracy and the Revenue Services, indeed any and every branch of the administration. The next point to remember is that the Hindus in the administration are not merely non-social, they are positively anti-social and inimical to the Untouchables. Their one aim is to discriminate against the Untouchables and to deny and deprive them not only of the benefits of law, but also of the protection of the law against tyranny and oppression. The result is that the Untouchables are placed between the Hindu population and the Hindu-ridden administration, the one committing wrongs against them and the other protecting the wrong-doer instead of the victims.

5. Against this back-ground, what can *Swaraj* of the Congress variety mean to the Untouchables ? It only means one thing, namely, that while today it is only the administration that is in the hands of the Hindus, under *Swaraj* the Legislature and Executive will also be filled with Hindus. It goes without saying that *Swaraj* would aggravate the sufferings of the Untouchables. For, in addition to their having to face an hostile administration, the Untouchables will have to face an hostile or indifferent Legislature, a callous Executive and an administration uncontrolled and unbridled in venom and in harshness in its inequitious attitude towards the Untouchables. To put it differently, under *Swaraj* of the Congress variety, the Untouchables will have no way of escape from the destiny of degradation which the Hindus and Hinduism have fixed for them.

6. I hope this will give you some idea as to why the Untouchables have been insisting that the only way by which the Untouchables can prevent this *Swaraj* from becoming a calamity to them is to have their representatives in the Legislature so that they may keep on protesting against wrongs and injustices done to them by the Hindus, to have their representatives in the Executive so that they may make plans for their betterment and to have

representatives in the services so that the administration may not be wholly hostile to them. If you accept the justice of the demand of the Untouchables for constitutional safeguards, you will have no difficulty in understanding why the Untouchables want separate electorates. The Untouchables will be a minority in the Legislature. They are destined to remain a minority. They cannot overcome the majority which being communal in its making is, so to say, fixed and pre-ordained. All they can do is to place themselves in position to able to determine the terms on which they will be prepared to work with the majority and not be compelled to accept the terms prescribed by the majority, and secondly, if the majority refuses to work with them and declines to redress their wrongs, they would at least be free to utter their protest against the majority on the floor of the Legislature. How are the Untouchables to maintain their freedom to protest ? Only if their representatives in the Legislatures do not owe their election to the votes of the majority. This is the basis of their demand for separate electorates.

7. No safeguards are going to be of any value to the Untouchables unless the Untouchables get a separate electorate. Separate electorate is the crux of the matter. I have before me a copy of the representation submitted to the Cabinet Mission by three Congress Harijans who were interviewed by the Mission on the 9th April 1946. They were no better than the three tailors of Tooly Street who had the audacity to present an address to the Parliament saying: "We the people of England." Apart from this, it is instructive to note that there is no difference between the demands put forth by me on behalf of the Scheduled Castes Federation and the demands put forth by these Congress Harijans. The only difference that exists relates to the question of electorates. I do not know how you interpret the demands of the Congress Harijans. They are not really demands. They represent what the Congress is prepared to give to the Untouchables by way of political safeguards. This is not merely my understanding. It is my knowledge. For I have been informed by person who knows the mind of the Congress that if I was prepared to accept joint electorates, the Congress on its part would be quite prepared to concede all other demands of mine.

You must be wondering why should the Congress be prepared to concede all the demands of the Scheduled Castes and object only to one namely, separate electorates. There will be no wonder if you know what game the Congress is playing. It is a very deep game. Realising that there is no escape from giving the Untouchables some safeguards, the Congress wants to find out some way by which it can make them of no effect. It is in the system of joint electorates that the Congress sees an instrument of making the safeguards of no effect. This is the way Congress is insisting upon joint electorates. For joint electorates means giving the Untouchables office without power. What the Untounchables want is office with power. This, they can only get through separate electorates and that is why they are insisting upon it.

8. I believe the case in favour of separate electorates for the Scheduled Castes is a cast-iron case. Every other party except the Congress accepts it. The arguments in favour of separate electorates have been set out by me in my letter of 3rd May 1946 addressed to Lord Wavell which he must have shown to you and it is therefore unnecessary to repeat them here. The question is what the Mission is going to do with this demand of the Scheduled Castes. Are they going to make the Untouchables free from political yoke of the Hindus? Or, are they going to throw them to the wolves by favouring the system of joint electorates in order to make friends with the Congress and the Hindu majority whom it represents? The Scheduled Castes are entitled to ask His Majesty's Government that before the British abdicate, His Majesty's Government shall make sure that *Swaraj* does not become a strangle-hold for the Untouchables.

9. Allow me to say that the British have a moral responsibility towards the Scheduled Castes. They may have moral responsibilities towards all minorities. But it can never transcend the moral responsibility which rests on them in respect of the Untouchables. It is a pity how few Britishers are aware of it and how fewer are prepared to discharge it. British Rule in India owes its very existence to the help rendered by the Untouchables. Many Britishers think that India was conquered by the Clives, Hastings, Cootes and so on. Nothing can be a greater mistake. India was

conquered by an army of Indians and the Indians who formed the army were all Untouchables. British Rule in India would have been impossible if the Untouchables had not helped the British to conquer India. Take the Battle of Plassey which laid the beginning of British Rule or the battle of Kirkee which completed the conquest of India. In both these fateful battles the soldiers who fought for the British were all Untouchables.

10. What have the British done to these Untouchables who fought for them? It is a shameful story. The first thing they did was to stop their recruitment in the army. A more unkind, more ungrateful and more cruel act can hardly be found in history. In shutting out the Untouchables from the Army the British took no note that the Untouchables had helped them to establish their rule and had defended it when it was menaced by a powerful combination of native forces in the Mutiny of 1857. Without any consideration as to its effects upon the Untouchables the British by one stroke of the pen deprived them of their source of livelihood and let them fall to their original depth of degradation. Did the British help them in any way to overcome their social disabilities? The answer again must be in the negative. The schools, wells and public places were closed to the Untouchables. It was the duty of the British to see the Untouchables, as citizens, were entitled to be admitted to all institutions maintained out of public funds. But the British did nothing of the kind and what is worst, they justified their inaction by saying that Untouchability was not their creation. It may be that Untouchability was not the creation of the British. But as Government of the day, surely the removal of Untouchability was their responsibility. No Government with any sense of the functions and duties of a Government could have avoided it. What did the British Government do? They refused to touch any question which involved any kind of reform of Hindu society. So far as social reform was concerned, the Untouchables found themselves under a Government distinguished in no vital respect from those native Government under which they had toiled and suffered, lived and died, through all their weary and forgotten history. From a political standpoint, the change was nominal. The despotism of the Hindus continued as ever before. Far from being curbed by the British High Command, it

was pampered. From a social point of view, the British accepted the arrangements as they found them and preserved them faithfully in the manner of the Chinese tailor who, when given an old coat as a pattern, produced with pride an exact replica, rents and patched and all. And what is the result? The result is that though 200 years have elapsed since the establishment of the British Rule in India, the Untouchables have remained Untouchables, their wrongs remained unredressed and their progress hampered at every stage. Indeed, if the British Rule has achieved anything in India it is to strengthen and reinvigorate Brahmanism which is the inveterate enemy of the Untouchables and which is the parent of all the ills from which the Untouchables have been suffering for ages.

11. You have come here to announce that the British are abdicating. It cannot be wrong for an Untouchable to ask "to whom are you leaving this legacy of authority and power?" To the protagonist of Brahmanism, which means to the tyrants and oppressors of the Untouchables. Such a method of liquidating the British Empire in India need not raise any qualms of conscience among members of other parties. But what about the British Labour Party? The Labour Party claims to stand for the unprivileged and the down-trodden. If it is true to its salt, I have no doubt that it will stand by the sixty millions of the Untouchables of India and do everything necessary to safeguard their position and not allow power to pass into the hands of those who by their religion and their philosophy of life are unfit to govern and are, in fact, the enemies of the Untouchables. It will be no more than bare act of atonement on the part of the British for the neglect of the Scheduled Castes whose trustees they always claimed to be.

12. What has led me to unburden myself at such length is the anxiety caused by the apparent silence of the Mission over the question of constitutional safeguards raised by the Untouchables? This anxiety has been deepened by the attitude taken by the Mission towards the pledges given to the Untouchables and to the minorities by His Majesty's Government. The attitude of the Mission in regard to these pledges reminds one of Lord Palmerston who said, " We have no

permanent enemies; We have no permanent friends; we have only permanent interest." You can well imagine what a terrifying prospect it would present to the Untouchables if the impression was created that the Mission was adopting this Palmerston maxim as its guide. You came from the under-privileged classes of Great Britain and I have full faith that you will do your best to prevent a possible betrayal of the 60 millions of India's underprivileged. That is why I have thought of placing their case before you. If you will allow me to say, the Untouchables have got a feeling that they have no greater friend in the Mission than Yourself.

I am,

Yours Sincerely,

Dr. B.R. Ambedkar.

The Rt. Hon'ble Mr. A.V. Alexander,

C.H.M.P., Member, Cabinet Mission,

Viceroy's House,

New Delhi.

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Source ; Privately printed leaflet by Dr. Ambedkar.

8

LETTER TO LORD PETHICK-LAWRENCE REGARDING STATEMENT ISSUED BY CABINET MISSION.

"22, Prithviraj Road,

New Delhi,

Dated, 22nd May 1946.

Dear Lord Pethick-Lawrence,

In reading the statement issued by the Cabinet Mission I have found that on certain points there is much ambiguity. They are set out below :—

(1) Whether the term "minorities" in paragraph 20 of the statement includes the Scheduled Castes ?

(2) Paragraph 20 lays down that the Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected. Who is to see whether the Advisory Committee does in fact contain full representation of the interests affected ?

(3) Whether, in order to see that there is full representation of the interests affected, H.M.G. propose to reserve to themselves the right to add to the Committee by nomination of persons from outside the Constituent Assembly representing such interests ? The necessity for nomination from outside seems to be essential, for otherwise there is no other method for securing representation of tribal and excluded areas from within the Constituent Assembly. If the necessity for nomination is admitted, will the principle of nomination of members of the Scheduled Castes from outside the Constituent Assembly be extended to secure full representation of the Scheduled Castes on the Advisory Committee ?

(4) In paragraph 22 of the statement there is a provision for a treaty between the Union Constituent Assembly and the United Kingdom providing for certain matters arising out of the transfer of power. Will this proposed treaty include a provision for the protection of the minorities as was stipulated in the Cripps proposals? If Treaty is not to have such a provision, how does H.M.G. propose to make the decisions of the Advisory Committee binding on the Constituent Assembly ?

(5) The statement includes Europeans under the category of "General". From this it may be presumed that the Europeans will have the right to vote for the election of representatives to the Constituent Assembly. Are the Europeans entitled to put up Europeans as candidates for the election of the Constituent Assembly? This is not made clear in the Statement.

These are questions which require clarification. I shall feel grateful if you will be so good as to favour me with your answers to them. I am leaving Delhi tonight for Bombay. Any reply that you may like to make to the questions set out above may kindly be sent to my address in Bombay, which is given below.

Yours sincerely,

Dr. B.R. Ambedkar"[1]

Address: B. B. & C. I. Railway*,

Saloon No. 27, Central Station, Bombay.

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* Bombay - Baroda & Central India, Railway.

[1]: The Transfer of Power, Vol. VII, No. 359, Pp. 661-662.

9

CLARIFICATION BY LORD PETHICK - LAWRENCE TO DR. B. R. AMBEDKAR

"28th May 1946

Thank you for your letter of the 22nd May in which you ask for elucidation of certain points in the recent Statement.

You will appreciate that the object of the Delegation is to set up machinery whereby Indians can frame their own Constitution for an independent India. The object of our Statement is to provide a basis on which the parties can come together for that purpose and we hope that it will be accepted and worked by all concerned. We have limited our Statement to the minimum which seemed to us necessary for that purpose. Other matters which arise will fall to be decided by the Constituent Assembly.

It is certainly our intention that the term "minorities" in paragraph 20 of the Statement includes the Scheduled Castes. On the other hand, it will be for the Constituent Assembly itself to set up the Advisory Committee and we assume that it will desire that it should be fully representative.

It is not our intention to interfere with the Constituent Assembly. The personnel of the Advisory Committee is not however limited by our Statement to persons who are members of the Constituent Assembly.

I think your other questions are largely covered by the further Statement which was issued by the delegation on Saturday evening and of which I enclose a copy.

Mr. Alexander has asked me to acknowledge and thank you for your letter which you sent him recently. He is away from Delhi for a few days on a visit to Ceylon and will reply to you on his return."[1]

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[1] : The Transfer of Power, Vol. VII No. 399, p. 723.

10

AMBEDKAR FINDS CHAMPION IN CHURCHILL

"London, May 30. (Renter).—A pledge that the Conservative Party would do its utmost to protect the future of 60 million Untouchables "whose melancholy depression by their co-religionists constitutes one of the gravest features in the problems of the Indian sub-continent" is contained in a cable sent by Mr. Winston Churchill to Dr. Ambedkar, Member of the Viceroy's Executive Council.

Mr. Churchill adds : We shall take our stand on the broad principles set forth in the American Declaration of Independence that all men are born free and equal and entitled to life, liberty and the pursuit of happiness.

Dr. Ambedkar had cabled to Mr. Churchill stating : "The Cabinet Mission's proposals are a shameful betrayal of the cause of the 60 million Untouchables. The Untouchables all over India are greatful to you for your speech in parliament. The future of the Untouchables is very dark. We depend upon you for safeguarding their interests."[1]

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[1] : The Bombay Chronicle, dated 31st May 1946.

11

HINDU - SCHEDULED CASTES CLASHES IN BOMBAY

June 1, 1946

The situation in the Worli area where there have been frequent clashes between the Scheduled Caste members and Caste Hindus during the last four days, resulting so far in five killed and nearly seventy injured, is quiet this morning, strong police parties have been stationed all over the locality and mobile armed police are constantly patrolling the affected area. There were only three stray cases of assaults upto mid-day today.

Mr. B.G. Kher, Prime Minister of Bombay, is meeting Dr. Ambedkar, Leader of the Scheduled Castes this evening with a view to discussing with him how best to bring about normal conditions in the Worli area.

The last four days disturbances have affected the working of certain mills because many of the operatives abstained from attending work for fear of being stoned. Last night four mills had to give up night shift and this morning excepting one mill all the other mills worked with depleted staff.

State of Emergency proclaimed

A 'State of emergency' has been proclaimed by the Government of Bombay in the disturbed labour areas in Worli and Delisle Road where there have been clashes between Caste Hindu workers and Scheduled Class workers.

This gives wide powers to the police in handling the situation, particularly in the matter of rounding up of bad characters and externing them from the city limits.

One more person who had been admitted to hospital yesterday with a stab wound died today, thus bringing the total killed to 6.

Dr. Ambedkar Deplores Development

The Government of Bombay in the Home Department has decided on the immediate measures to put down law lessness in the Worli Chawls and Delisle Road with a stern hand.

While the Government has made up its mind in this respect non-official organisations like the Provincial Congress Committee, the Scheduled Castes Federation and local Hindu organisations have had consultations on the methods of restoring peace in the affected area.

This move follows an interview which Dr. B.R. Ambedkar, Labour Member, Government of India, had with Mr. Morarji Desai. Home Minister, Bombay Government and later with Mr. B .G. Kher, Prime Minister, this morning. During the interview, Dr. Ambedkar is understood to have deplored the developments in Worli and suggested certain measures to be taken to restore peace. He also assured the Ministers that he would advise his followers to remain peaceful and exercise more restraint on their part.

It is understood that Dr. Ambedkar, Mr. Nagindas T. Master and Mr. S.K. Patil, have decided to issue a joint statement appealing to Caste Hindus, Congress Workers and Scheduled Caste people of the locality to remain calm and make combined efforts to restore normal conditions.

The Home Minister is understood to have suggested to Dr. Ambedkar the appointment of Chawl Committees in Worli who should be held responsible for breaches of the peace and for the maintenance of peace. If things went out of hand, the Members of the Committees should be held resposible.

The Police authorities, under instructions from the Home Minister, are promulgating certain orders to meet the situation. The measures contemplated include round-up of all bad characters in the areas and emergency powers to be exercised if, the situation showed a tendency to deteriorate.

Up-to-date, in the four days agitation six persons have been killed and 70 injured and a large part of the mill area has been kept in a continued state of tension.

Mr. Rajbhoj's Statement

Mr. P.N. Rajbhoj, General Secretary of the All India Scheduled Castes Federation, after visiting the Worli Chawls in a statement said that the condition of many of his followers was extremely

difficult in the disturbed area. They dared not go to work in the mills for fear of being assaulted. Many of them had not taken even their rations for the week. He complained that police protection was not freely available to them, and that many innocent persons had been taken into custody.

Mr. Rajbhoj said that nearly 130 persons of his party had received injuries in the recent disturbances and two had died.

More Responsibility on Hindus Bombay Leaders Appeal to Masses

In a joint statement issued on June 3, on the disturbances in Worli and neighbouring labour areas Dr. B.R. Ambedkar, Mr. Nagindas T. Master and Mr. S.K. Patil stated that "Being a major community, a greater responsibility lies on the shoulders of the Hindus. The majority community is bound to exercise restraint even under provocation and prove to the minority community like the Scheduled Castes that it need have no fear in the matter of its life, liberty and property even though it refuses to see eye to eye with the majority community on political questions."

The statement says : "We have been deeply pained by the unfortunate incidents which are taking place in Worli, Naigaum and Delisie Road areas of the Bombay city between the members of the Scheduled Castes and Caste Hindus for some time part. The frequent skirmishes between these two sections of the people have already resulted in three dead and several injured. In our opinion there is no reason whatsoever why these two sections should go on attacking each other and thereby disturbing the peace of these localities. Even assuming that there is any cause for honest and even for strong differences of opinion on some point or the other, such erratic reprisals can decide nothing. There are other and more effective methods of settling disputes and securing justice. These acts of violence and bad temper only bring disrepute to the fair name of the city and inflict injury and even loss of life of the innocent. Although we have no desire to apportion the blame for the incidents that have occurred, we would like to emphasise that being a major community, a greater responsibility lies on the shoulders of the Hindus.

We strongly and emphatically condemn these senseless demonstrations of violence and earnestly appeal to the good sense of the parties concerned to cry halt to this mad behaviour. We trust that they will act towards one another as responsible citizens and resume their normal and peaceful avocations.—A.P."[1]

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[1] : Jai Bheem : June 11, 1946.

12

FEDERATION EXECUTIVE RESOLVES ON DIRECT ACTION

Cabinet Mission Ignored Unimpeachable Evidence

" In a two thousand word resolution, the working Committee of the All India Scheduled Castes Federation, calls upon His Majesty's Government and the Labour Party in England to take up the cause of the Scheduled Castes in right earnest and rectify immediately the worng done to them by the Cabinet Mission. "Failing this," says the resolution, the Working Committee feels, "that there will be no alternative for the Scheduled Castes but to resort to direct action". The resolution further says: "If circumstances require such a direct action to save the Scheduled Castes from the impending catastrophe, the working Committee will not hesitaste to ask the Scheduled Castes to do so."

The Working Committee of the A.I.S.C.F. met at "Raj Griha" the residence of Dr. B.R. Ambedkar, Labour Member, Government of India, on June 4, 1946 under the Presidentship of Rao Bahadur N. Sivaraj.

On the morning of 4th June the President drove to the Bomaby Central and met Dr. Babasahib Ambedkar in the Saloon. Federation workers from various parts of the country met the leaders and discussed with them on various subjects concerning the country and the community. They had informed the leaders about the untold sufferings and the unimaginable honors to which the Scheduled Castes are subjected to by the Caste Hindus.

At two o'clock in the afternoon the Working Committee sat for-discussion. Eleven out of 20 members of the Committee attended the meeting. These are five from Bombay, four from the Central Provinces and one each from Madras and the United Provinces. Dr. Ambedkar was present by special invitation. The meeting took up for consideration a report submitted by Mr. P.N. Rajabhoj, General Secretary of the Federation, on the general reactions of the Scheduled Castes People to the proposals of the

British Cabinet Mission. The report, it is learnt, expresses the dissatisfaction of the community in that they had not been given any representation in the proposed Constituent Assembly.

The Working Committee has passed ten important resolutions on the British Cabinet Proposals on the interim Government.

The Committee has demanded that Scheduled Castes, should have the right to be represented in the Legislatures through separate electorates, and that the constitution shall contain a provision making it obligatory on the part of the Government to undertake the formation of separate settlements for Scheduled Castes.

The Committee assures the Scheduled Castes that "there is no reason to be panicky and given courage and solidarity, their cause which is the cause of justice and humanity, is bound to triumph notwithstanding the machinations of their enemies."

The Working Committee has authorised the President to constitute a Council of Action charged with the duty of examining the lines of direct action and to determine the action most effective and fix the time for lauching it.

Copies of the Scheduled Castes' Federation's resolution are being forwarded to the Secretary of State for India and the Viceroy in New Delhi and Prime Minister Attlee and Mr. Churchill in London.

"In the event of their demand for such protection being turned down, the Committee has authorised the President, Rao Bahadur N. Sivaraj, to constitute a Council of Action to decide upon "the most effective means of direct action to get their demands conceded."

A spokesman on behalf of the Working Committee of the Scheduled Castes Federation explained that the Committee had focussed attention on the future constitutional settlement because they were more concerned with the ultimate statutory protection of the Scheduled Castes, rather than in the formation of the interim Government. He added: "We shall, however, be willing to co-operate with any one in the formation of the Interim Government, provided our co-operation is sought on honourable terms."

The spokesman stated that the Cabinet Mission had partially retrieved the prestige of the British Government by declaring, in their second statement, that the conclusion of the Indo-British treaty would be dependent on the rights of minorities being protected adequately. What the Secheduled Castes Federation demanded, however, was that suitable amendements be made here and now in the Cabinet Mission's proposals to ensure this. He could not see any difficulty in this being done just as in the case of the Muslims.

The Spokesman in conclusion explained that the direct action clause in the resolution would become operative only if the Federation failed to achieve its goal. There was no intention 10 take precipitate actions.

A.I.S.C.F's Ultimatum to the Cabinet Mission

[The following is the full text of the resolutions passed at the Working Committee Meeting of the All India Scheduled Castes Federation held at Bombay during the first week of June]

The Working Committee of the All-India Scheduled Castes Federation has taken into consideration (1) the first statement issued by the Cabinet Mission on the Constitution of India; (2) the Press interviews given by the Members of the Mission in amplification of their statement (3) the second statement made by the Cabinet Mission and (4) the correspondence between the Cabinet Mission and the Hon'ble Dr. B. R. Ambedkar. There are many points arising from the statement of the Cabinet Mission on which the Working Committee would like to state its views. For the present, the Working Committee prefers to deal with the plan of the Cabinet Mission for framing the future constitution of India in so far as it affects the Scheduled Castes.

2. The Working Committee has noticed with profound indignation that the Cabinet Mission has not mentioned the Scheduled Castes even once in the course of their statement of 5000 words. It is difficult to understand the working of the mind of the Cabinet Mission. The Mission could not have been unaware of the existence of the Untouchables, their disabilities, the tyrannies and oppression practised upon them day to day by the Caste Hindus all throughout India. The Cabinet Mission could,

not have been unaware of the pronouncement made by His Majesty's Government that Untouchables were separate from the Caste Hindus and constituted a distinct element in the national life of India. The Cabinet Mission could not have been unaware of the pledges given by His Majesty's Government that no constitution which had not the consent of the Scheduled Castes would be imposed upon them. The Cabinet Mission could not have been unaware of the fact that at the Simla Conference convened by Lord Wavell only a year ago the Scheduled Castes were given a separate representation from the Caste Hindus. Having regard to these circumstances, the Working Committee feels no hesitation in saying that in ignoring the Scheduled Castes in the manner in which it has done, the Cabinet Mission has brought the name of the British nation into disgrace and disrepute.

3. The Working Committee has noticed the statement made by the Cabinet Mission in the course of Press interview that they have made double provision for the representation of the Scheduled Castes in the Constituent Assembly and in the Advisory Committee. The Working Committee feels bound to say that these provisions are absolutely illusory and unworthy of serious consideration. In the plan set out by them, the Mission have not reserved any seat for the Scheduled Castes in the election by the Provincial Legislatures to the Constituent Assembly as they have done for the Sikhs and the Muslims. There is no obligation on the Provincial Legislatures to elect a specified number of Scheduled Caste members to the Constituent Assembly. It is quite possible that the Constituent Assembly may not have in it any representative of the Scheduled Castes. And even if a few representatives of the Scheduled Castes should find a place in the Constituent Assembly, they being elected by Hindu votes, they can never represent the true interests of the Scheduled Castes. As to the Advisory Committee, it cannot be substantially different from the Constituent Assembly. It will only be a reflection of the Constituent Assembly.

4. The Working Committee finds it extremely difficult to understand how the Cabinet Mission could how come to believe that they had mand enough and good provision for giving

effective voice to the Scheduled Castes in the Constituent Assembly and the Advisory Committee. Aboundant and incontrovertible evidence was presented to the Cabinet Mission to show that the real representatives of the Scheduled Castes are those who were elected in the primary elections for which the Scheduled Castes have separate electorates, that the present Scheduled Caste members of the Provincial Legislatures who fought the primary elections were at the bottom of the poll and that on account of the victious system of joint electorates the men who were at the bottom in the primary elections came to the top in the final elections only because of the Caste Hindu votes and that therefore the Scheduled Caste members of the Provincial Legislatures in no way represent the Scheduled Castes but are the tools of the Caste Hindus. Far from making double provision for representing the Scheduled Castes in the Constituent Assembly and the Advisory Committee, the Mission has without compunction ignored this unimpeachable evidence and without any justification committed the gravest act of treachery in leaving the Scheduled Castes to the mercy of the Hindus. The Working Committee desires to inform the Mission that the Scheduled Castes are not impressed either by their logic or by their sense of moral responsibility.

5. While the whole plan of the Cabinet Mission is mischievous in as much as it proposes to solve the minority problem by allowing freedom to the Muslim majority to dispose of the Non-Muslim minorities in the Muslim zone and to the Hindu majority to dispose of the Non-Hindu minorities including the Scheduled Castes in the Hindu zone. The Working Committee finds that the Cabinet Mission in framing its plan has show greater concern for the protection of the Muslim community but have paid no attention whatever for safeguarding the interests of the Scheduled Castes. In para 15 of their plan the Cabinet Mission have prescribed what matters are to be beyond the reach of the Constituent Assembly. The object behind this provision in para 15 is to prevent the domination of the Muslim community by the Hindu community. The fear which the Scheduled Castes have of the Hindu majority is far greater and far more real than the

Muslim community has or can have. The Scheduled Castes have been urging that the only effective protection they can have is representation through separate electorates and the provision for separate settlement. The Cabinet Mission was aware of these demands and all the evidence in support of them. Following the principle adopted by the Cabinet Mission to guarantee freedom from the domination of the Hindu majority in the manner referred to above it was possible for the Cabinet to lay down in the same para 15 a further limitation of the powers of the Constituent Assembly by laying down that the Scheduled Castes should have the right to be represented in the Legislature through separate electorates and to have a statutory provision for separate settlements as means of escape from the domination of the Hindu majority.

6. The Working Committee has noted that the Cabinet Mission has in its second statement, provided that the ratification of the Treaty between the United Kingdom and the Indian Constituent Assembly will be subject to proper safeguards being made for the protection of the minorities including the Scheduled Castes. The Cabinet Mission in its hurry to placate the Congress Party had not dared to include this provision in Clause 22 of its first statement although it had formed part of the Cripps proposals of 1942.

While the Working Committee is glad that the Mission has retrieved its position and saved the honour of the British people in whose name pledges were given to the Scheduled Castes, the working Committee demands that the plan of the Cabinet Mission should be amended in the following respects :—

(1) The following clauses should be added as clause (7) to para 15 of the Statement :—

"(7) The Scheduled Castes should have the right to be represented in the Legislatures through separate electorates."

(8) That the Constitution shall contain a provision making it obligatory on the Government to undertake the formation of separate settlements for the Scheduled Castes.

(2) Para 20 of the First statement should be so amended as to make those members of the Scheduled Castes who topped the polls in the last primary elections, members of the Advisory Committee and be allowed to elect five other representatives of the Scheduled Castes to the Advisory Council.

7. The Working Committee desires to inform His Majesty's Government and British Labour Party that they should take up the cause of the Scheduled Castes in right earnest and at once rectify the wrong done to them by the Cabinet Mission. Failing this, the Working Committee feels that there will be no alternative for the Scheduled Castes but to resort to direct action. If circumstances require, the Working Committee in order to save the Scheduled Castes from this impending catastrophy will not hesitate to ask the Scheduled Castes to do so.

8. The Working Committee is aware of the panic caused among the Scheduled Castes by the plan put forth by the Cabinet Mission. The Working Committee desires to tell the Scheduled Castes to maintain the courage and heroism they have shown in fighting the last elections against the Congress single handed and without resources in spite of the acts of violence, coercion and arson practised by the Congress and when every other party had shut its shop, and assures them that there is no reason to be panicky and given courage and solidarity, their cause which is the cause of justice and humanity is bound to triumph notwithstanding the machinations of their enemies.

9. The Working Committee hereby authorises the President to constitute a Council of Action charged with the duty of examining the lines of direct action and to determine the one most effective and fix the time for launching the same.

10. The Working Committee has noticed :

(1) the campaign of tyranny and oppression which is being carried on by Caste Hindus against the Scheduled Castes in villages and towns throughout the length and breadth of India for no other reason except that they fought the elections against the Congress, and which has caused many deaths and injuries;

(2) the shameful part which the police have been playing in siding with the Caste Hindus in belabouring and arresting innocent men and women from among the Scheduled Castes.

(3) the part played by the rationing shops in refusing to supply rations to the Scheduled Castes ;

(4) the conspiracy of silence observed by the newspapers who have never cared to condemn these outrages on innocent men and women.

(5) the utter indifference shown by the Provincial Government in protecting the lives and properties of the Scheduled Castes.

The Working Committee cannot help feeling that this conduct of the majority community proves beyond the shadow of a doubt how unworthy the Hindu community is to be trusted with power and that if the majority does not improve its morality the Scheduled Castes would be forced to protect themselves by every means open to them."[1]

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[1] :Jai Bheem dated, June 11 and 18, 1946.

13

REACTIONS TO THE BRITISH CABINET PLAN DR. AMBEDKAR'S PROTEST TO CHURCHILL

The Cabinet Mission published a "State Paper" on 16th May 1946 making no provisions for safeguarding the interest of the Untouchables. Dr. B. R. Ambedkar had taken serious note of it and written to Mr. Churchill to look into the matter. In response to the letter written by Dr. Ambedkar, Mr. Churchill responded positively. The letter written by Dr. B. R. Ambedkar is as under :Editors .

"Mr. Winston Churchill cited the American Declaration of Independence in promising that the Conservative Party "would do its utmost to protect the future of the 60,000,000 Untouchables in India".

"Replying to a protest from Dr. B. R. Ambedkar, Member of the Viceroy's Executive Council, that the British Cabinet Mission's Proposals for an Independent Indian Government were a shameful betrayal" of the cause of the Untouchables, the Opposition Leader told Dr. Ambedkar in a telegram : "We shall take our stand on the broad principles set forth in the American Declaration of Independence that all men are born free and equal and entitled to life, liberty, and the pursuit of happiness."

The text of Dr. Ambedkar's message ran : "The Cabinet Mission's proposals are a shameful betrayal of the cause of sixty millions of Untouchables. No representation in the Constitutent Assembly, no representation in the Advisory Committee, no protection by treaty, will mean handing over the Untouchables, bound hand and foot. Untouchables all over India are grateful to you for your speech in Parliament. The future of Untouchables is very dark. We depend upon you for safeguarding their interest."

Mr. Churchill replied, "You may ensure that the Conservative Party, will do its utmost to protect the future of sixty million Untouchables whose melancholy depression by their co-religionists constituted one of the gravest features in the problem of the Indian sub-continent. We shall take our stand on the broad principles set forth in the American Declaration of Independence that all men are born free and equal and entitled to life, liberty and the pursuit of happiness".[1]

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[1]: Jai Bheem dated 18th June 1946

14

I AM FIGHTING FOR RIGHTS OF SCHEDULED CASTES TELEGRAM TO PRIME MINISTER ATLEE-LONDON

The Cabinet Mission had recommended inadequate representation of Scheduled Castes in the interim Government for India. Dr. B. R. Ambedker sent a telegram to Mr. Atlee then Prime Minister of the Great Britain : Editors.

At time of last year's Simla Conference Viceroy on my protest and with consent of Home Government promised increase Scheduled Castes's representation in Interim Government to two seats in Council of fourteen stop I had demanded three stop Compromise I accepted two stop. New proposals interim Government announced yesterday give Scheduled Castes only one seat stop. This gross breach of solemn promise given after due deliberation stop. One seat most unfair stop Mission is treating sixty million Untouchables as being equal to four millions Sikhs, three million Christians in matter of representation stop Scheduled Caste nominee does not represent Scheduled Castes, is elected entirely by Hindu Votes and is creature of Congress stop Representation to Scheduled Castes Congressman is no representation to Scheduled Castes stop. It is representation to Congress stop Cabinet Mission heaping upon Scheduled Castes one wrong after another, bent on sacrificing them with view appease Congress and desrtoying their independent position in public life of country stop. Please intervene and redress wrong by directing Mission to give Scheduled Castes two seats to be filled by nominees of Federation which Mission knows alone represents Scheduled Castes stop Scheduled Castes insist on two seats or none stop. To avoid misunderstanding of my motive I like to state that I have no desire to be in Interim Government and will stand out stop I am fighting for rights of Scheduled Castes stop. Hope there is some sense of justice left in British Government—Dr. Ambedkar

Dated 17-6-1946.

Dr. B.R. Ambedkar,
22, Prithviraj Road,
New Delhi.

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[1]. Quoted, Khairmode, Vol. 8, P. 73 and LP&j. and LP& j/10/50: Pp 81-8 and Atlee Papers, University College, Oxford.

15

DOES THE INDIAN NATIONAL CONGRESS REPRESENT THE UNTOUCHABLES OF INDIA ?

Since the Cabinet Mission did not provide proper representation and safeguards to the Untouchables in its proposal, Dr. B. R. Ambedkar sent a memorandum to Mr. Atlee, Mr. Churchill and other Leaders of the Labour Party immediately after issuing the telegram. The text of this memorandum is as follows……Editors.

A Critique of the Proposals of the Cabinet Mission for Indian Constitutional Changes in so for as they affect the Scheduled Castes

(Untouchables)

by

Dr. B.R. Ambedkar

The Cabinet Mission sent out to India by the Labour Government early this year to resolve the political deadlock in India set out a Scheme for the framing of the constitution by a Constituent Assembly. This Constituent Assembly is to be composed of representatives chosen by the members of the Provincial Legislatures by a single transferable vote. For the purpose of the composition of the Constituent Assembly the Cabinet Mission's Scheme has divided the members of the provincial legislatures into three categories (1) Muslims (2) Sikhs and (3) General, each with a fixed quota of seats. Each category has a Separate Electorate whereby the Muslim representatives of the Constituent Assembly will be elected by the Muslim members of the Provincial Legislature, the Sikhs by the Sikh members and the General by all the rest. The 'general' includes (1) Hindus, (2) Scheduled Castes, (3) Indian Christians, and (4) Anglo-Indians.

2. The Scheduled Castes of India were greatly surprised to find that they were lumped together with the Hindus. It has been declared time and again by His Majesty's Government that His Majesty's Government recognizes that the Scheduled Castes are separate element in the national life of India and that His Majesty's Government will not impose any constitution to which the Scheduled Castes are not willing party. The question is asked

why the Cabinet Mission recognized the Muslims and the Sikhs as separate elements and why they refused to give the Scheduled Castes the same status ?

In the debate that took place in Parliament on the 18th of July 1946 on the proposals of the Cabinet Mission, Sir Stafford Cripps, Mr. Alexander and Lord Pethick-Lawrence tried to defend themselves against this criticism, Their argument was two-fold :—

(1) That, in the elections to the Provincial Legislature which took place in February last, the seats reserved for the Scheduled Castes were captured by the Congress and that this shows that the Scheduled Castes were with the Congress and trusted their destiny to the Congress i.e. the Hindus and that there was no ground for separating them.

(2) That, there is to be an Advisory Committee on the minorities in which the Scheduled Castes will be represented and will have a voice in the framing of the safeguards necessary for them.

The second defence is worse than useless. The reasons are obvious. The status and powers of the Advisory Committee are not defined. The quantum of representation of the Scheduled Castes is not prescribed. The decisions of the Advisory Committee are left to be carried by a bare majority. Lastly, the Advisory Committee cannot be anything else than a mere reflection of the Constituent Assembly. The representatives of the Scheduled Castes in the Constituent Assembly all belong to the Congress Party and they do not represent the Scheduled Castes. They are, therefore, subject to the Mandate of the Congress Party. Those of them who will be put in the Advisory Committe will be subject to the same Party Mandate. They cannot put forth the real point of view of the Scheduled Castes either in the Constituent Assembly or on the Advisory Committee.

The principal line of defence used by the members of the Cabinet Mission in justification of their failure to give the Scheduled Castes separate and independent representation is that the Congress won the Scheduled Caste seats in the last election. Even, this line of defence cannot stand. It is true that in the *final* election the Congress did capture the Scheduled Castes seats. But the reply is

that this election results should not have been taken as the test for various reasons.

Firstly, the parties such as the Scheduled Castes who had co-operated with the British Government were at a discount with the people on that very account.

Secondly, the trial of the Indian National Army men which synchronized with the election placed the Congress at an advantage and other parties at a disadvantage. If the Indian National Army trial had not been staged at the time of the election the Congress would have lost completely, so low was its stock.

Apart from these two reasons why the election results should not have been as a test, there is a special reason why it should not have been taken to detemine whether the Congress did or did not represent the Scheduled Castes. That reason is that the final elevation for the Scheduled Castes seats is by a system of joint electorate in which the Hindus also vote. The Hindus vote being preponderent it is easy for the Congress to elect a candidate belonging to the Scheduled Castes standing for the Scheduled Castes seats *entirely* by Hindu votes. That the Scheduled Castes representative in Provincial Legislatures who stood on the Congress ticket were elected solely by Hindu votes and not by the votes of the Scheduled Castes is a fact which even the Cabinet Mission will not be able to deny.

The real test by which to determine whether the Congress represents the Scheduled Castes is to examine the results of the Primary Elections which preceded the Final Elections, for in the Primary Election the Scheduled Castes have a Separate Electorate in which the Hindus have no right to vote. The Primary Election, therefore, reflects the real sentiments of the Scheduled Castes. What does the result of the Primary Election show ? Does it show that the Scheduled Castes are with the Congress ?

The Scheduled Castes have been allotted 151 seats in the Provincial Legislatures. They are distributed among the different Provinces except Sindh and the North-West Frontier Province.

Primary Election is not obligatory. It becomes obligatory only if there are more than *four* candidates contesting for a seat.

In the last Primary Election which preceded the Final Election, Primary Election became obligatory in 40 constituencies out of 151.

They were distributed as follows :--

Madras	. .	. .	10
Bombay	. .	. .	3
Bengal	. .	. .	12
United province	. .	. .	3
Central Provinces	. .	. .	5
Punjab	. .	. .	7

There were no Primary Elections in the Provinces of Bihar and Orissa.

The results of the Primary Elections in the 40 constituencies are tabulated in the Appendix which accompanies this note. The results prove :—

(I) That, out of 283 candidates the Congress put up only 46 candidates on its ticket (*See* Table I) and out of 168 successful candidates had only 38 to its credit (*See* Table V)'.

(II) The object of a Party in entering into a Primary Election is to drive out all rival parties from the Final Election by putting up at least four candidates on its party ticket. Whether a party can put up four candidates on its ticket depends upon how much confidence it has in the voters to vote for its party ticket. The Congress has not ventured to put up more than *one* candidate in each constituency. This shows that the Congress had no confidence that the Scheduled Caste voters would vote for the Congress ticket. If there is any party which has ventured to put up four candidates for each it has contested, it is the Scheduled Castes Federation. (See Table II, Parts I, V, Columns 3 and 4).

(III) Measured in terms of votes cast in favour of the Congress it is proved beyond dispute that the Congress obtained only 28 per cent of the total votes polled in the Primary Election (*See* Table IV).

(IV) If there was not the temptation to get oneself elected in the final election with the help of the Hindu votes, the Independents would all be members of the Scheduled Castes Federation. On that assumption the Scheduled Castes Federation is the only party which represents the Scheduled Castes and the 72 per cent voting in favour of the Non-Congress Parties should be set out to its credit (*See* Table IV).

The members of the Cabinet Mission argued that Dr. Ambedkar's following was confined to the Scheduled Castes in the Bombay Presidency and the Central Provinces only.

There is no foundation for this statement. The Scheduled Castes Federation is functioning in other Provinces as well and it has won notable electoral success as great as in Bombay and the Central Provinces. In making this statement the Mission has failed to take account of the single victory Dr. Ambedkar secured in the election to the Constituent Assembly. He stood as a candidate from the Bengal Provincial Legislature Assembly. He secured 7 first preference votes and topped the poll so far as the general seats were concerned beating even Mr. Sarat Chandra Bose, the Leader of the Congress party. If Dr. Ambedkar has no influence outside Bombay and Central Provinces how did he get elected from Bengal? It must be further remembered that there are 30 seats for the Scheduled Castes in the Bengal Provincial Assembly. Out of the 30 as many as 28 were elected on the Congress ticket. Of the two who belonged to his party one fell ill on the day of election. This means that 6 Scheduled Caste members elected on the Congress ticket broke the Congress Mandate and voted for Dr. Ambedkar. This shows that even these Scheduled Caste members who belong to the Congress regard him as the leader of the Scheduled Castes. This is complete disproof of the statement made by the Mission.

The Congress has been so much encouraged by the surrender of the Mission that a letter addressed to the Mission the Congress has gone to the length of denying that the Scheduled Castes are a minority. This means that the Congress is not prepared to give the Scheduled Castes the same safeguards as they would to other minorities. The Mission has not repudiated this suggestion of the Congress. Herein lurks a great danger and it is necessary to pin down the Mission in the course of the debate and compel them to say if they do or do not regard the Scheduled Castes as a minority.

The Cabinet Mission have said in their proposals that before sovereignty is transferred Parliament will have to satisfy itself that the safeguards for Minorities are adequate. The Mission has

nowhere defined the machinery for examining the safeguards. Whether there would be a Joint Committee of the two Houses of Parliament to examine the minority safeguards has not been made clear. The Mission has not even stated that His Majesty's Government will exerecise its independent judgment in coming to its conclusion on the adequacy of the safeguards. It is necessary to have these matters defined because this provision was an afterthought with the Mission and did not form part of its original proposals which gives the impression that this was intended merely to act as a stop to the minorities.

Analysis of the Results of Primary Elections

Held in December, 1945

(Preliminary to the General Election in India Held in February 1946) for Choosing Candidates from the Scheduled Castes (Untouchables) for the Seats Reserved for the Scheduled Castes in the Provincial Legislatures of India

Note.-The Tables in this Analysis are prepared from official figures.

TABLE I

Parties which contested the Primary Election for seats reserved for Scheduled Castes shown Province-wise

	Name of the party which put up Candidates to contest Primary Elections	The Number of Candidates put up by each Party in—						Total number of Candidates put up by the party in all the Provinces
		Madras	Bombay	Bengal	United Provinces	Central Provinces	Punjab	
1.	Congress	10	3	13	11	5	4	46
2.	Scheduled Castes Federation	35	6	8	9	12	none	70
3.	Harijan League	none	none	none	1	3	none	4
4.	No-Party Candidates (Independents)	5	9	76	3	8	52	153
5.	Hindu Maha Sabha	none	none	1	1	none	none	2
6.	Communists	6	none	1	none	none	none	7
7.	Radical Democratic Party	none	none	1	none	none	none	1
	Total ...	56	18	100	25	28	56	283

TABLE II

Parties which contested the Primary Election for seats reserved for the Scheduled Castes shown constituency-wise

PART I-MADRAS

Constituency in which Primary Election was contested	Total of Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each			
		Congress	Scheduled Castes Federation	Communists	No-Party Candidates (Independents)
1. Amlapuram	7	1	4	2	none
2. Coconada	5	1	4	none	none
3. Bandar	5	1	1	3	none
4. Cuddappa	5	1	4	none	none
5. Penukonda	5	1	4	none	none
6. Tirnvannamali	6	1	5	none	none
7. Tindivanam	6	1	5	none	none
8. Mannergudi	5	1	none	1	3
9. Pollachi	7	1	4	none	2
10. Nammakal	5	1	4	none	none
Total	56	10	35	6	5

PART II--BOMBAY

Constituency in which Primary Election was contested	Total of Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each		
		Congress	Scheduled Castes Federation	No-Party Candidates (independents)
Bombay City (North)	7	1	1	5
Bombay City	6	1	1	4
(Byculla& Parel) East Khandesh (East)	5	1	4	none
Total	18	3	6	9

TABLE II

PART III—BENGAL

	Constituency in which Primary Election was contested	Total Candidates who took part in the contest	Parties which fought the election and the number of candidates put by each					
			Congress	Scheduled Castes Federation	Hindu Maha Sabha	No-Party Candidates (Independents)	Communists	Radical democratic Party
1.	Hoogly ..	5	1	none	None	3	..	1
2.	Howrah ..	7	3	none	None	4	..	..
3.	Nadia ..	12	1	none	None	11	..	..
4.	Jessore ..	7	1	2	none	4	..	..
5.	Khulna ..	11	none	none	none	11	..	..
6.	Dinajpur ..	16	2	none	none	13	1	..
7.	Bogra ..	6	1	none	none	5	..	..
8.	Mymansing ..	7	1	none	none	6	..	..
9.	Faridpur ..	18	2	3	none	13	..	..
10	Bakergunj ..	6	none	3	1	2	..	..
11	Tipperah ..	5	1	none	none	4	..	..
	Total ..	100	13	8	1	76	I	1

TABLE II

PART IV—UNITED PROVINCES

Constituency in which Primary Election was Contested	Total of Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each				
		Congress	Scheduled Castes Federation	Harijan League	Hindu Maha Sabha	No-Party Candidates (Indepen-dents)
Agra City	11	1	5	1	1	3
Allahabad City	6	1	4	none	none	3
Almora	8	3	none	none	none	3
Total	25	5	9	1	1	9

PART V--CENTRAL PROVINCES

Constituency in which Primary Election was contested	Total of Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each			
		Congress	Scheduled Castes Federation	Harijan League	No-Party Candidates (Independents)
Nagpur-*cum* Sakoli	5	1	2	1	1
Hinganghat	6	1	2	1	2
Bhandara	5	1	3	1	none
Yeotmal	6	1	2	none	3
Chikhli	6	1	3	none	2
Total	28	5	12	3	8

PART VI-PUNJAB

Constituency in which Primary Election was contested	Total of Candidates who took part in the contest	Parties which fought the election and the number of candidates put up by each		
		Congress	Unionists	No-Party Candidates (Independents)
Gurgaon	10	..	1	9
Kurnal	10	1	..	9
Ambala	8	..	..	8
Hoshiyarpur	9	1	1	7
Jullunder	6	1	1	4
Ludhiyana	10	1	..	9
Lyalpur	6	..	..	6
Total ..	59	4	3	52

TABLE III

Showing Province-wise the Votes obtained by different Parties which contested the Primary Elections

Name of the Party	Votes secured by each Party in											
	Madras		Bombay		Bengal		United Provinces		Central Provinces		Punjab	
	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.	aggregate	p.c.
1. Congress ..	27,838	33	5,333	14	56,848	32.7	4,101	41.8	1,131	10.7	8,298	17.6
2. Scheduled Castes Federation	30,199	36	28,489	74	21.129	12.2	3,093	30.5	8,685	82.8	nil	.53
3. Independents ..	4,648	4.5	3,814	10	83,869	47	1,773	18.8	551		24,618	
4. Harijan League ..	nil		nil		nil		370		113		nil	
5. Hindu Maha Sabha ..	nil		nil		760		452		nil		nil	
6. Unionists ..	nil		nil		nil		nil		nil		13,521	
7. Communists ..	20,814	25	nil		10,049	5.8	nil		nil		nil	
Total ..	83,499		37,636		1,72,655		9.789		10,480		46,437	

TABLE IV

Distribution of Total Votes polled in Primary Elections all through India and their distribution between Congress and Non-Congress Parties

Total Votes Polled throughout India in Primary Election	In favour of Congress Parties				In favour of Congress Parties							
	Congress	Harijan League	Total	PC.	Scheduled Castes Federation	Independents	Hindu Maha Sabha	Communists	Unionists	Radical Democratic Party	Total	P.C.
3,59,532	1,03,449	483	1,03,932	28	91,595	1,19,273	1,212	30,863	13,521	136	2,56,600	72

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TABLE V

Number of Candidates who became successful in Primary Elections in different Provinces classified according to their Party Affiliations

	Name of the Party	Madras	Bombay	Bengal	U. P.	C. P.	Punjab	Total
1.	Congress ..	10	3	12	4	5	4	38
2.	Scheduled Castes Federation ..	24	5	6	5	11	none	51
3.	Independents ..	3	4	36	2	3	21	69
4.	Hindu Maha Sabha ..	none	none	1	1	1	....	3
5.	Harijan League ..	none	none	none	none	None	....	....
6.	Communists ..	3	none	1	none	None	....	4
7.	Radical Democratic Party ..	none	none	none	none	None	....	....
8.	Unionists ..	none	none	none	none	None	3	3
	Total ..	40	12	56	12	20	28	168

16

I AM A GREATER NATIONALIST THAN ANYBODY ELSE

" Dr. Babasaheb Ambedkar now gave a clarion call to his people to give battle for the cause of justice and humanity and to expose the machinations and conspiracy hatched against the rights of his people. He knew this was the last opportunity to assert the rights and will of his people; for he feared that a free India might revert to the old traditions and his people would be impoverished, neglected and ostracized from society and public services.

On June 29, 1946 a caretaker Government was announced and the British Mission left for London, leaving other details to be settled by the Viceroy.

The battle started on July 15, 1946, at Poona, synchronizing with the opening of the Poona session of the Bombay Assembly."[1]

Dr. Babasaheb Ambedkar in an interview with the A.P. A. on 17th July 1946 said,

"We like this country to progress as much as anybody else does. We do not want to stand in the way of that. All we want is that our position is safeguarded in the future India."

"To this end we will take part in every kind of struggle against the British proposals of May 16. If the Muslim Leauge starts any direct struggle against the British—I fully support the stand taken by the Sikhs at present—then they will also get our support in their action."

He also warned that the present *Satyagraha* movement by the representatives of the All India Scheduled Castes Federation in Poona would ultimately become a country wide struggle in the same "form of that launched by the Congress in August 1942."

"This is only the beginning of our struggle," Dr. Ambedkar said : "when the struggle is forced to take the form of the Congress movement, we will do every thing that the Congress had done in the August disturbances."

Dr. Ambedkar described the Scheduled Castes demonstrations now going on in Poona as a "Protest against the breaking of every sort of promise given to the Scheduled Castes by the British Government during the past 28 years."

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[1]: Keer, P. 381.

"Unless we secure recognition as a minority entitled to protection and safeguards in the Constitution, this struggle will continue elsewhere in a different form. Then it will be time for the Provinces to launch a countrywide struggle against the unjust proposals of the British Government."

Asked whether he had issued any directive to the Provincial organisations on the form they should adopt in carrying out demonstrations, Dr. Ambedkar replied : "we will leave it to the Provinces to adopt their own form of struggle. All these things cannot be discussed theoretically. Every Province has its own background and what may be effective form of struggle in one Province may not be suitable to another."

Dr. Ambedkar said it was the intention of the Federation to continue the demonstrations at Poona in the present form of sending small groups to offer *Satyagraha*. "The main difficulty against a large-scale struggle in Poona at present is rationing," Dr. Ambedkar added, "Otherwise, we would have had a very much bigger demonstration."

Asked whether he provisionally planned to offer *Satyagraha* in the near future, the leader of the Scheduled Castes replied, "It is not necessary for a General to be present on the battlefield. I have got trusted lieutenants who look after the struggle and certainly when the development of events necessitates my presence there and my taking part in the struggle, I will be on the scene.

"At present I get all the latest information on the struggle from a personal messenger despatched daily from Poona."

No Invitation from Gandhi

Dr. Ambedkar said he had tentatively planned to leave for Poona on Sunday "to see things personally". He said he had received no invitation from Mr. Gandhi or any top-rank Congressmen "to open talks for a settlement of the affair".

He added that the Federation, however, was willing to start negotiations with the parties concerned. Dr. Ambedkar continued : "I would like to point out clearly that the Scheduled Castes in this country think that Mr. Gandhi agreed to accept the long-term

proposals of the British Cabinet mainly on the ground that the British Ministers agreed to ignore the Scheduled Castes. That is what Mr. Gandhi found to be the greatest advantage in the long-term proposals notwithstanding their vicious character, of which Congress leaders themselves have spoken so much recently. The British Government have agreed to sacrifice the Scheduled Castes in order to win over Congress, and this I charge as absolute breach of faith, he asserted.

"We like this country to progress as much as anybody else does. We do not want to stand in the way of that. All we want is that our position is safeguarded in the future India."[1]

On 21st July 1946 a meeting of Untouchables was convened at Poona in Ahilyashram. After the meeting, Dr. Amebedkar addressed a Press Conference. The report of that Press Conference is as under: Editors.

Future of Scheduled Castes
Congress was asked for Blue-Print

Dr. B. R. Ambedkar, addressing a Press Conference in Poona today, demanded an open declaration from the Congress how they proposed to safeguard the interests of 60,000,000 Untouchables in the future Constitution of India. He asked for a blue-print and no promises in general terms.

The *Satyagraha* launched in Poona was only the beginning of a countrywide struggle to secure for the Scheduled Castes their just political rights. He claimed that the Poona *Satyagraha* was being conducted on a high moral plane and the non-violent behaviour of the whole mass of volunteers provided a lesson even to Mr. Gandhi who regarded himself as a 'graduate in *Satyagraha'*. He issued, however, a warning that when moral resources were exhausted they would look for 'other means' to register their protest.

Dr. Ambedkar was surprised that the Prime Minister, Mr. B. G Kher should have asked the question 'What have the Harijans to get against the Bombay Government ?' The answer was simple.

[1]: Reprinted—Jai Bhim : August 13, 1946, Pp-1 and 2

'Heirs to Power'

The Cabinet Mission had decided that the heirs to British power, authority and sovereignty in this country, were two communities only - the Muslims and the Caste Hindus. In the proposed constituent assembly all questions were going to be decided by the simple majority votes of the Caste Hindus alone. The British people had decided to quit India and their powers would be inherited by the Caste Hindus and the Muslims. Were the Scheduled Castes people then not entitled to ask the Caste Hindus what they proposed doing for the safety of 60,000,000 Untouchables.

Dr. Ambedkar claimed that the Bombay Government and the Bombay Legislative Assembly were part and parcel of Congress and the *Satyagraha* was intended as a protest against the Congress policy.

Dr. Ambedkar announced that he had no desire to launch *Satyagraha* in Muslim Provinces such as the Punjab and Bengal because 'we have no quarrel with the Muslims. They have assured us that our interest will be safeguarded'.

Indignantly repudiating that the *Satyagraha* movement was motivated by a sense of frustration, Dr. Ambedkar said that in the last election the Scheduled Castes had won cent percent. There would have been a frustration if the Scheduled Castes votes had voted for candidates put by the Congress. He was prepared to prove statistically that not even four per cent of the Scheduled Castes voted for Congress Harijans who had been returned entirely on the votes of Caste Hindus. He did not suffer from a sense of defeat. It was triumph that 90 per cent of the Scheduled Castes were behind his Federation.

Poona Pact

The Poona Pact which prevented true representatives of the Scheduled Castes from being returned to legislatures must go. It had resulted in disenfranchising 60,000,000 Untouchables. Even according to international law no treaty was final or sacrosanct as the Poona Pact had now become injurious to their cause, the Scheduled Castes were entitled to fight for its revision.

Before his return to Bombay this evening, Dr. Ambedkar addressed a very largely attended public meeting of Scheduled Castes in Poona, at which he said struggle would be continued 'to the bitter end.'

No fewer than 569 Scheduled Castes volunteers have so far been arrested and convicted in connection with the Poona *Satyagraha.* "[1]

What we ask for is justice and fair-play

Bombay, Wednesday*

The threat that he had many surprises up his sleeves and would, when the ' right' time came, unleash deadlier moral weapons to storm the citadel of the "Hindu Congress heirs to British power " was made by Dr. B. R. Ambedkar, President of the All-India Scheduled Castes Federation, in the course of a 60 minute chat with the "Bombay Chronicle" representative this evening.

No mock Show

Dr. Ambedkar said "I have not yet shown my full teeth. Do not imagine we are staging a mock-show at Poona. It is only the beginning of a struggle that would grow grimmer and fiercer day by day, ultimately rocking the entire country."

Giving a sample of the contents of his armoury, he observed, "For instance, I and my people might fast unto death!"

A hundred thousand ' *Satyagrahis* ' were ready to march to Poona, "If only the Premier of Bombay promised necessary rations." The struggle would take an All India shape shortly. Poona showed but a glimpse into the "tremendous potentialities" of his people.

Benefactor of Congress

Saying that he was in a way the benefactor of the Congress, Dr. Ambedkar claimed, it lay within his power to nullify the existence of that organisation totally. "Could not I and my community decide to become Muslim converts ? If I adopt Mr. Jinnah's religion I will not stand to lose in any measure and, indeed, he might nominate me as a Muslim member to the

[1]: The Times of India, dated 22nd July 1946 Reprinted—Khairmode, Vol .8, Pp. 96-98.

* The 26th July 1946

Executive Council. I have not taken that drastic step because I want to save the Congress from total degeneration," he averred.

"Why have I not embarked on that very drastic course ?" Dr. Ambedkar continued. "It is because I desire to give the Congress one more chance. The fight which we have inaugurated shows that my party has taken the line of least resistance."

He would himself participate in the *"Satyagraha"* at the opportune moment. At the present juncture the "General Staff" of the movement consisted only of a small nucleus of 'commanders'. As the supreme commanders and the 'confidence' of thousands of followers, Dr. Ambedkar did not deem it necessary for him to court arrest. "But", he said, "I am not afraid of jail life. Only, I do not believe in spectacular and unplanned action."

Asked what sort of blue-print he expected from the Congress, the Doctor answered : "What has the Congress done to us constructively in the last twenty years. They are now the inheritors of British power and domination. We have a right to ask them what they propose to do to us under the new Constitution. We do not place any trust in vague promises and platitudes. We want concrete proof of Congress sincerity to deal with us justly and fairly. Let them descend from the dizzy heights of phrase mongering to the the brass-tacks."

Plea For "Satisfactory Blue Print"

"Should the Congress issue a thoroughly satisfactory blue-print, would you be prepared to call upon your followers to join that body?" Dr. Ambedkar was asked next.

"Certainly not", he replied. "We are more radically inclined, socially and politically, than the Congress. We represent the poorest of the poor. We are sons of the soil, the true masses. As such, we cannot contemplate joining a psudo-socialist organization as the Congress."

However, if the Congress made a square deal to the Scheduled Classes, and was ready to launch on a "real" struggle for the resurgence of the country, he would unhesitatingly offer his co-operation.

Dr. Ambedkar denied he had said in his Poona Press Conference that his party had been given any assurances from the Muslim League in any form and on any issue. His unwillingness to start *'Satyagraha'* campaigns in the 'Muslim' Provinces proceeded from the premise that the Muslims had done no harm to the Scheduled Classes.

Votes Won But Seats Lost

In an allusion to the fate of the Scheduled Class candidates in the recent general election, he maintained that there was no real trial of strength. His men had won all the votes but lost the seats because *"Hindu"* votes helped to swamp their chances.

"We are fighting for our liberty, for our very existence," Dr. Ambedkar feelingly observed towards the end. "We, a large community, have been denied elementary justice for decades. We have been maltreated, our just demands bruised aside with contempt. No chord of sympathy has been touched from any quarter. What we ask for is justice and fair-play. Let us have it or, by God, the consequences would be terrible as none could picture."[1]

Baba Saheb ready to lead

In an interview to the Associated Press of India, Bhimrao Ambedkar said today that the Scheduled Castes Federation had been compelled to limit the number of *Satyagrahis* to very small numbers owing to the difficulty of feeding them, "We have been receiving telegrams and letters from all parts of India, and even from Burma and Malaya - offering to come to Poona to join the *Satygraha* movement. But the real difficulty is to provide them with food and accommodation. Owing to the rationing difficulties, "It is not possible". For the small batches of men who will from to-day onwards offer *Satygraha* by defying the District Magistrate ban on assembly within the precincts of the Assembly - all at Poona the Mushti Fund will cater. Apart from this, the men themselves have been requested to bring with them four or five days rations.

Dr. Ambedkar has told the organisers of the movement that he would himself be ready to proceed to Poona whenever they required him. "[2]

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[1]: The Bombay Chronicle, dated 25th July 1946.

[2]: Jai Bheem : August 13, 1946. p.7.

Lucknow starts Satyagraha, 140 arrested

More than 140 members of the Lucknow branch of the All-India Scheduled Castes Federation were arrested to-day when they resorted to mass *Satyagraha* as a protest against the Poona Pact.

Of the 140 Federation members arrested 80 were taken under custody near the Council House, and the rest from various parts of the city.

Restrictions under Section 144 Criminal Procedure Code were strictly enforced by the police.

Scheduled Castes to launch passive resistence
General Secretary's Announcement

Members of the Scheduled Castes Federation and their followers will register their protest by launching a non-violent *Satyagraha* movement all over India* against what they describe as the injustice done to them in the Cabinet Mission's proposal, which ignored the existence of the Scheduled Castes as a separate political entity.

A beginning is to be made at Poona on July 15 during the session of the Bombay Legislative Assembly by violation of the order of the District Magistrate of Poona, prohibiting meetings, demonstrations and processions, along the area of half a mile from Council Hall and the Secretariat."[1]

General Secretary's Explanation

Explaining this decision in the course of a statement Mr. P.N. Rajbhoj, General Secretary of the Scheduled Castes Federation says 'the time has arrived to launch a passive resistance movement according to the resolution passed by the Working Commitee of the All India Scheduled Castes Federation on June 4, 1946 in Bombay. There is now no alternative for us but to resort to direct action. The circumstances require a struggle in order to save the scheduled castes from the impending Catastrophe.'

Mr. Rajbhoj adds that the British Government and their statement committed a breach of trust in ignoring the Scheduled Castes

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* See appendix -V

[1]: Jai Bheem : August 13, 1946.

as a separate political entity and rejecting the demands made by Dr. Ambedkar and Rao Bahadur N. Sivaraj for political safeguards. "The Federation is, therefore, bound" he says, "to take direct action against the British Government. They cannot also forget the mischievous part which the Congress has played in this sordid affair. The Federation is convinced that the Congress has misused its position as the majority party and the eagerness of the British to placate the Congress forced them to deny the Scheduled Castes the status of a separate political entity. What has been done by the Cabinate Mission to the Scheduled Castes is the direct result of the Congress Machination and the Federation is, therefore, bound to take action against the Congress as well."

The Council of Action appointed in June to devise ways of launching a struggle will, Mr. Rajbhoj states, intimate the various Provincial components of the nature of the struggle each should embark upon. But in the meantime, the Bombay Provincial Scheduled Castes Federation has decided, he adds, to take the first step in the struggle by breaking the order of the District Magistrate Poona on July 15. Mr. Rajbhoj called upon all those who wish to participate in the movement to enrol themselves at the office of the Bombay Provincial Scheduled Castes Federation at Poona, where Mr. B. K. Gaikwad, President is in-charge. "[1]

In another press interview published in 'Jai Bheem' dated 16th September 1946. Dr. Ambedkar pointed out other view of which some of the points have resemblance with the views in the preview interviews—Editors.

Babasaheb explains purpose of *Satyagraha*

Dr. B. R. Ambedkar demanded in a Press interview that the Congress should issue a blue print explaining how they were going to dispose of the destiny of the 60 million Scheduled Castes of the Country. The purpose of the *Satyagraha* launched by the Scheduled Castes Federation in Poona, he explained, was to get answer from the Congress to this question and ask the Congress to make an open declaration of their plan to protect the interests of the Scheduled Castes in the future constitution of India.

[1]*:* Jai Bheem : August 13, 1946. Pp. 2-3.

Dr. Ambedkar said that the British Cabinet Mission had decided rightly or wrongly — the Scheduled Castes considered it wrongly and iniquitously — that the heirs to the British Power, authority and sovereignty in India were only two — the Muslims and the Caste Hindus. The Scheduled Castes had no quarrel with the Muslims, for they were prepared to make a declaration of their intentions towards the protection of the rights of the Scheduled Castes and there would be no *Satyagraha* in such Provinces where the Muslims were in power. The Congress, however, so far had been mute over this question. In the Constituent Assembly, the Congress would be in a majority of three fourths and they would decide the issues affecting the rights and interests of the Scheduled Castes by their majority vote. The Scheduled Castes were, therefore, entitled to get an answer from the Congress to their question.

Dr. Ambedkar said that if the Scheduled Castes were troubling the Bombay Government, it was because it was a part and parcel of the Congress machinery. Mr. B. G. Kher had suggested in his statement that the present *Satyagraha* was motivated by the sense of frustration on the part of the Federation because they had lost in the last elections, "Mr. Kher" Dr. Ambedkar said, "was free to attribute any motives, high or low, to the movement but he wanted to make it clear that so far as he was concerned, he would do nothing in politics or public life which he could not justify publicly." It was wrong, however, to say that a sense of frustration had been created in the minds of the Scheduled Castes. They had scored cent per cent victories though they had lost cent per cent seats.

"There would have been frustration if the Scheduled Castes had voted against our candidates, and for the Congress nominees. That would have been our ruination. But not over four per cent voted in favour of the Congress candidates who have been returned on Caste Hindu votes. That was not our defeat but triumph. But the fact that we lost these elections does not mean that we are going to lose them every time."

Turning to the demands of the Scheduled Castes, Dr. Ambedkar said, one of them was the abrogation of the Poona Pact. "Why should we not agitate against it?" he asked. "No treaty in the world is accepted as sacrosanct. The Poona Pact has resulted in

the political disenfranchisement of the very people in whose interests it was made. What we are asking for is that the deliberate opinion of one community should not be nullified by that of another community. In the primary elections, wherever held in the country no Congressman won against the Federation candidate. But in the general elections the candidates selected by the community were rejected and 'stooges' and 'tools' of another party came on top because of Caste " Hindu Votes." Dr. Ambedkar demanded that any arrangements made for the political protection of the community must be "full-proof and knave-proof."

Dr. Ambedkar appealed to those who had the interests of the masses in their heart to join the Scheduled Castes in their *Satyagraha* campaign. Independence might not necessarily mean freedom and liberty for all. The power might pass in the hands of a small junta who might subject the masses to a greater harassment than they had experienced before. "We are prepared" Dr. Ambedkar declared, "to carry on the struggle whether help comes or not to the bitterest end on moral plane. If moral resources are exhausted, then we shall resort to other methods. The liberty of a people is greater than the sanctity of the means employed to achieve it."[1]

Dr. Ambedkar exhorted his men to carry on the struggle to the bitter end. The Congress Harijan leaders, who always reaped the fruit of Ambedkar's labour and struggle, spoke against Ambedkar's agitation and supported those who always opposed Harijans' demands. It was like barking at one's own benefactor.

Gandhi, referring to this *Satyagraha,* wrote in *Harijan* that there was a parody of *Satyagraha* in the show staged by Ambedkar; and if the means were non-violent the cause was certainly vague.

The *Satyagraha* movement went on unabated for a fortnight, and its pressure forced the Government to abrogate their Poona Assembly Session. The Congress leaders felt the need for a rapprochement with Ambedkar. So S. K. Patil, Chief of the Bombay Provincial Congress Committee saw Dr. Ambedkar at the Siddharth College : and they both, accompained by N. M. Joshi, met Sardar Patel on July 27. The talks continued for an hour or so in

[1]: Jai Bheem : 16th September, 1946.

connection with the representation of the Scheduled Castes on the Constituent Assembly and the Poona *Satyagraha*. It seems they could not come to a settlement as on August 8, a Scheduled Caste procession led by prominent leaders of the Scheduled Castes such as Gaikwad and Rajbhoj marched to the meeting of the All-India Congress Committee which was holding its session at Wardha.

Sometime later, Ambedkar wrote to Sardar Patel that he considered the country greater than any individual howsoever great he might be. He also said that one could be a great nationalist without being a Congressman and added that he was a greater nationalist than any Congress leader. "[1]

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[1]: Keer p. 383

17

LETTER BY MR. ATTLEE TO DR. B. R. AMBEDKAR

Paris, 1st August 1946

My dear Ambedkar,

I have carefully considered your letter of July 1st and the papers enclosed.@

I am afraid that I cannot accept the view that the Cabinet Mission and the Viceroy were unjust to the Scheduled Castes. The reason why they have revised the policy followed at the Simla Conference of 1945 is, as you suggest, the result of the elections to the Provincial Legislatures, which were held last spring. The Mission made a careful study of the voting figures and I have examined them myself. We appreciate that there are grounds for the view that the present electroral system does not do justice to those Scheduled Caste candidates who are opposed to Congress. On the other hand, I do not find that the figures substantiate what you say about the achievements of candidates belonging to your Federation at the primary elections.* While I do not propose to go into the matter in detail here the facts are that Primary Elections were held in only 43 of the 151 seats reserved for the Scheduled Castes. Of these 43 Primary Elections, the Scheduled Castes Federation contested 22 and topped the poll in only 13.

@ On 1st July Dr. Ambedkar sent Mr. Attlee a lengthy letter with which he enclosed copies of recent correspondence, a memorandum, a speech and some other items. Dr. Ambedkar's letter was in continuation of a telegram he had sent to Mr. Attlee on 17th June and covered similar ground. For the telegram see page : 224

* Transfer of Power, Vol. VIII, No. 105, pp. 170-72.

* In his letter of 1st July Dr. Ambedkar wrote that : 'That results of the Primary Elections—herever they took place in India—proved that the candidates put up by the Federation came to the top and those put up by the Congress went down to the bottom.' L/P&J/10/50 ; f 81.

In your letter you make three specific requests.@ As regards the first, His Majesty's Government is anxious that the Constituent Assembly should have the fullest possible freedom of action consistent with the terms of the Cabinet Mission's Statements of May 16th and May 25th. We ourselves of course consider the Scheduled Castes to be an important minority which should be represented on the Minority Advisory Committee. But the declaration for which you ask could not be confined to the Scheduled Castes and would have to be a statement of all the elements who we consider should be included as Minorities in the Advisory Committee. Even though it would be only an expression of opinion on the part of His Majesty's Government, it would inevitably be interpreted as an attempt to interfere with the Assembly's freedom and as such would be likely to cause serious resentment. In these circumstances I cannot believe that such a declaration would be of value to the cause of the Scheduled Castes.

Turning to your second request, I do not find that my speech in the House of Commons on March 15th last contained the words which you attribute to me.† What I said was " We are very mindful of the rights of minorities and minorities should be able to live free from fear. " This remains the view of His Majesty's

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@ These were :

(1) To state openly that His Majesty's Government holds that the Scheduled Castes are a minority within the meaning of paragraph 20 of the Cabinet Mission's Statement.

(2) That His Majesty's Government will see that satisfactory safeguards which will enable them to live free from the fear of the Majority are provided for the Scheduled Castes before it agree to sign the Treaty for cessation of sovereignty.

(3) That in the Interim Government the Scheduled Castes should have at least two representatives which should be the nominees of the Scheduled Castes Federation.

Ibid., : f 82.

†Dr. Ambedkar had noted that the Cabinet Mission had already made the point that there must be adequate provision for the protection of the minorities. His second request would be met if there were added to this statement the words : 'safeguards which will enable the Scheduled Castes to live free from the fear of the Majority. ' These were words, Dr. Ambedkar claimed, which Mr. Attlee himself had used in his speech on 15th March. *Ibid.*

Government, which found expression in paragraph 4 of the Cabinet Missions's Statement of May 25th. I do not consider that His Majesty's Government would be wise to make at this stage any further pronouncement elaborating what was said in that paragraph.

Your final request is that in the Interim Government the Scheduled Castes should have at least 2 representatives who should be nominees of the Scheduled Castes Federation. I regret that, I cannot hold out any hope of this being possible.

I was very glad to see that you had been elected to the Constituent Assembly.

C. R. A.

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18

PROTEST LETTER OF DR. AMBEDKAR TO MR. ATTLEE

"Rajgriha"

Dadar, Bombay 14

12th August 1946.

My dear Attlee,

Thank you for your letter of the 1st August 1946. I did not expect you to find time to reply to my letter of the 1st July 1946. I am therefore grateful to you for your having found time to let me know your views about the points that I had raised in my letter.

2. I am afraid I cannot accept your justification for the revision of the policy followed by His Majesty's Government in the Simla Conference of 1945 nor of the Mission's method of treating the Scheduled Castes. I cannot help saying that Mr. Alexander's statement in the House of Commons that the majority of the Scheduled Castes are with the Congress is an atrocious statement and has no foundation in truth. This is not only my view but the view of every Englishman in India. If you only consult Sir Edward Benthall who is now in England, I am sure he will support me.

3. With regard to the analysis you have given of the result of the achievements of the Federation in the Primary Election, all lean say is that you have misunderstood the situation and I am afraid no outsider who does not know the significance of the facts or the method of the election will be able to understand what they mean without proper explanation. The main ground of my charge against the Mission is that when the other side of the picture were (was) presented by the Congress, it was their bounden duty to have called me and to have asked for an explanation. This, the Mission did not do, which they were in justice bound to do. If I had failed to give them satisfactory explanation then they would have been justified in the conclusion to which they came. That the Mission was grossly misinformed is proved by my election to the Constituent Assembly from Bengal. The Cabinet Mission stated

in the House of Commons that my influence was confined to Bombay and C.P. How is it then that I was elected from Bengal? In connection with my election, I would like to impress upon you three facts : One is that I did not merely scrape through but I came at the top of the poll beating even Mr. Sarat Chandra Bose, the topmost Bengalee leader of the Congress Party. Secondly, I am in no way connected by communal ties with the Scheduled Castes community of Bengal. They are of different castes to which I do not belong. In fact the people of my caste do not exist in Bengal at all and yet the Bengalee Scheduled Castes supported me, so strongly that I was able to come first. Thirdly, though the Scheduled Castes in Bengal had been returned on the Congress ticket yet they broke the rule of their Party not to vote for anybody except for Congressmen and voted for me. Does this prove that I have no following in Bengal ? I am sure if the Cabinet Mission are honest in their conclusion, they ought to revise the erroneous opinion which they have expressed in the House of Commons and revise the view and give proper recognition to the Federation.

4. With regard to the status of the Scheduled Castes in the Minority Advisory Committee, I am glad to have an assurance that the British Cabinet considers the Scheduled Castes to be an important minority. I am afraid that I must again repeat that unless and untill the Cabinet Mission were to make a public declaration, this view will not help the Scheduled Castes. I say this because, as you will see, (in) the last letter which Maulana Abul Kalam Azad wrote to the Viceroy on behalf of the Congress before the negotiations broke down, he emphatically challenged the view that the Scheduled Castes were a minority. The Scheduled Castes fear that if this view is not corrected by the British Cabinet in time, the Scheduled Castes' case may not be considered in the Advisory Committee which is bound to be packed by Congressmen. The danger of their being relegated to the position of a social group within the Hindus as distinguished from a minority, appears to be most certain in view of the recent pronouncement of Mr. Gandhi who evidently thinks that he can now do anything he likes with the Scheduled Castes in view of the fact that the British Government have refused to lend them their support.

5. In these circumstances, I would press upon you to reconsider the matter and make a declaration that the Scheduled Castes are an important minority to avert a possible danger to their furture position in the new Constitution.

6. I am sorry to read that you cannot hold out any hope of the Schdduled Castes getting two seats in the Interim Government. I do not see any justification for this denial. Both on the ground of their numbers and also as compared to the assurance given at the time of the last Simla Conference of 1945, they are entitled to better treatment than is proposed to be given to the Sikhs and other smaller minorities. I should think that the claim made by me was more than justified.

With kind regards,

Yours sincerely,

B.R. AMBEDKAR.

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Transfer of Power, Vol. VIII, No. 142, Pp. 221-23.

19

WE MAY BE CONQUERED BUT WE SHALL NOT CAPITULATE

Dissatisfaction at "the inadequate representation" given to Scheduled Castes in the newly-constituted Interim Government at the Centre was expressed by Dr. B.R. Ambedkar, who is in Poona for the meeting of the Working Committee of the All-India Scheduled Castes Federation."[1]

"The Interim Government formed by the Viceroy is not entitled to claim either obedience or respect from the Scheduled Castes, in view of the attitude taken up by the Congress with regard to the representation of the Scheduled Classes in the Executive Council," said Dr. B.R. Ambedkar when interviewed on the formation of the Interim Government.

Dr. Ambedkar said : "There seems to be a studied conspiracy between the British Government and the Congress to reduce the Scheduled Classes to utter nonentity in the Executive Council. We think there is justification for Pakistan, but there is no justification for the Muslims to be given parity with the Caste Hindus, nor any justification for restricting the representation of the other minorities to four only, when one of them, namely the Scheduled Castes number more than 50 percent of the total population of the Muslims. The utmost the British Government had accepted so far as regards the claims of the Muslims was to give them weightage of 33, 1/3 per cent. Nothing has happened since then that they should have been granted increased representation. If the Muslims are justified to claim equality with the Caste Hindus, then there is more justification for the Scheduled Classes to claim at least 50 per cent of the representation given to the Muslims.

"In the Simla Conference", Dr. Ambedkar continued, "it was agreed by the Viceroy that they should have at least two seats, and the Scheduled Castes, although they pressed for three seats, were prepared to accept two for the interim arrangement. The

[1]: The Times of India, dated 26th August, 1946.

Congress was prepared to give two seats to the Scheduled Castes at that time. In the light of this it is certainly a matter of grave concern for the Scheduled Classes, whether they could co-operate with the new Interim Government sponsored by the Congress, when they know the Congress has done a glaring injustice to them. The Federation thinks that in view of the attitude now taken by the Congress in regard to representation to Scheduled Classes in the Executive Council this Government as constituted by the Viceroy is not entitled to claim either obedience or respect from the Scheduled Classes."

"More surprising than this", Dr. Ambedkar said, "is the acceptance by Mr. Jagjivan Ram of the offer made to him to join the Executive Council. When I sent a wire to the Prime Minister protesting against inadequacy of representation to the Scheduled Classes in the Executive Council, Mr. Jagjivan Ram himself issued a statement to the Press supporting the claim made by me on behalf of the Scheduled Classes for increased representation in the Executive Council. That, Mr. Jagjivan Ram should have accepted the invitation, notwithstanding the fact that the Congress has not agreed to increase representation to the Scheduled Classes, shows to what extent he can be expected to stand out for the rights of the Scheduled Classes. The occasion provides a very good test of the sincerity and honesty of men like Mr. Jagjivan Ram, who are inside the Congress and who are pretending they are representatives of the Scheduled Classes and can be depended upon to see that the Scheduled Classes are not let down by the Congress."

Referring to the movement started by the Federation Dr. Ambedkar said that their fight for the achievement of their legitimate rights would continue. "We may be conquered, but we shall not capitulate," he declared.[1]

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[1]: Jai Bheem : dated September 16, 1946.

20

LETTERS BY LORD PETHICK - LAWRENCE TO MR. ATTLEE, PRIME MINISTER

India Office,

3rd September 1946.

Secretary of State's Minute : Serial No. 48/46.

Prime Minister,

You asked for my view on Dr. Ambedkar's letter to you of the 12th August, 1946.

2. As regards his second paragraph you will find an analysis of the election results for the Depressed Classes in the memorandum which my Private Secretary sent to yours on the 26th July with the draft reply to Dr. Ambedkar's previous letter. Shortly, the facts are that in the Primary Elections which were contested, Congress polled more votes than Dr. Ambedkar's Organisation, while a still larger proportion were polled by Independent candidates who may or may not be supporters of Dr. Ambedkar. But apart from this, two-thirds of the seats were won by Congress unopposed. The figures are, of course, not conclusive but it is not justifiable to say that the First Lord's statement in the Commons has "no foundation in truth," though I think it was rather too positive.

3. As regards paragraph 3 of Dr. Ambedkar's letter, it was not stated in the House of Commons that his influence was confined to Bombay and Central Provinces. He is referring to the President of the Board of Trade's speech, in which the actual words used were " Dr. Ambedkar's Organization is somewhat more local in its character (than the Congress Organization) being mainly centred in Bombay and the Central Provinces". I have made enquiries as to what happened in the Bengal Election to the Constituent Assembly which is, of course, by proportional representation. Dr. Ambedkar got five first preference votes. Sarat Chandra Bose also received five first preference votes. The quota for election in Bengal was four votes. Naturally the Congress would organize their voters to secure as nearly as possible four first preferences for each of their

candidates. The phrase " top of the poll" has really no meaning in a proportional election. No-one denies that Dr. Ambedkar has influence among some of the Depressed Classses in Bengal. There are twenty five Scheduled Caste members of the Bengal Assembly, four of whom were returned as Independents and one as a Dr. Ambedkar candidate. I do not know whether all the Independents voted for Dr. Ambedkar in the Constituent Assembly election or whether he got some Anglo-Indian votes.

4. With regard to Dr. Ambedkar's paragraph 4, I am convinced that we cannot make a public declaration that we regard the Scheduled Castes as a minority who should be represented in the Minority Advisory Committee. It is correct, of course, that Congress do not regard them as a minority for the purpose of separate political representation, whereas we have always done so. But we are not in a position to secure that Dr. Ambedkar's organization is represented on the Minorities Advisory Committee.

5. I do not think it is really essential to send a reply to Dr. Ambedkar but should it seem to you more courteous to do so I attach a short draft.* In case you wish to see them, I attach also extracts @ from the speeches by the First Lord and the President of the Board of Trade in the Commons' Debate. My own speech contained a passage similar to the letter but rather shorter.

PETHICK-LAWRENCE. [1]

* Not printed.

@ Not printed.

[1]: The Transfer of Power, Vol. VIII, No. VIII, No. 250, Pp. 441-412.

II

India Office, 9th September 1946

Secretary of State's Minute : Serial No. 51/46

Prime Minister,

Your personal minute No. M. 296/46 of September 4th, @ regarding the representation of the Scheduled Castes on the Advisory Committee of the Constituent Assembly.

2. It certainly was the Mission's intention that the Advisory Committee should contain representation of the Scheduled Castes and I informed Dr. Ambedkar of this by a letter # I wrote to him in India. In the third paragraph of your reply to him of 1st August you explained to Dr. Ambedkar that, while H.M.G. themselves consider the Scheduled Castes an important minority which should be represented on the Minority Advisory Committee, they could not accede to his request for a public declaration to this effect, since any such declaration :

(a) would also have to specify all the other elements which H.M.G consider should be included as minorities in the Advisory Committee; and

(b) would be liable to be interpreted as an attempt to interfere with the Constituent Assembly's freedom of action.

3. The position, however, is that we have left the composition of the Advisory Committee to be decided by the Constituent Assembly and we cannot now prescribe it ourselves. I do not think we can be accused of misleading the House as the position was clearly stated in the President of the Board of Trade's speech on 18th July of which the relevant passage was attached to my Minute to you of 3rd September.‡

Transfer of Power, Vol. VIII, No. 288, Pp. 466-68.

@No. 253. (Refers to S. No. in The Transfer of Power.—Ed.

#No.399. Vol. VII (See P. 502.-Ed.).

‡ No.250. (See p. 515.— Ed.).

4. The controversy on the question whether the Scheduled Castes constitute a minority for the purpose of separate political representation or whether they should be classed with the Hindus has of course a long history. Gandhi has spent a large part of his life in propagating the latter view. But when I said, in paragraph 4 of my minute of September 3rd, that Congress did not regard the Scheduled Castes as a minority for the purpose of separate political representation, I had particularly in mind the passage in Azad's letter to the Viceroy of June 25th* (Some-weeks after our Statement of May 16th) to which Dr. Ambedkar has referred in both his letters @ to you. In this Azad said that Congress "repudiated the view that the Scheduled Castes are a minority and considered them as integral parts of Hindu society" (second paragraph on page 23 of Cmd. 6861). This statement had reference to the Viceroy's assurance to Mr. Jinnah # that he would consult the main parties before filling any vacancy among the seats in the Interim Government allotted to representatives of minorities. It was not altogether unnatural that Congress should regard the Scheduled Castes as their own responsibility and object to the Muslim League having a say in the appointment of a Scheduled Caste representative.

5. There is no positive reason to think that Congress will not wish to include in the Advisory Committee Scheduled Caste representatives in adequate numbers. They will be concerned to escape criticism both in India and abroad; and they are most anxious to win over to their own ranks, or at least to conciliate, as large a proportion as possible of the Scheduled Castes, if only to prevent them from allying themselves with the Muslim League. The Committee is to deal with the rights of *citizens* as well as with those of minorities, so that inclusion of Scheduled Castes representatives need not prejudice the question whether they are or are not a minority. On the other hand, there is no guarantee that Dr. Ambedkar or any other member of the Scheduled Castes who opposes Congress will secure a place on the Committee.

* Vol. VII. No. 603. (Transfer of Power).

@ *See* footnotes to No. 105 and No. 142. (Transfer of Power)

Vol. VII. No. 573. (Transfer of Power).

6. I still feel that we should not volunteer a pronouncement in response to Dr. Ambedkar's request for a public declaration that the Scheduled Castes are a minority within the meaning of paragraph 20 of the Mission's Statement of May 16th. To do so would almost certainly arouse a controversy with Gandhi which might result in Congress opposing their inclusion as a demonstration. Even if we did not say that the Scheduled Castes are a minority but only that they should be included on the Committee, our statement would arouse requests for a similar statement in favour of the Anglo-Indians and others, and would be interpreted as interference with the Constituent Assembly, which is what we are most anxious to avoid. There is no possibility that such a declaration would influence Congress to give the Scheduled Castes better treatment in the Advisory Committee than they would otherwise do, nor would it help Dr. Ambedkar, since it would refer simply to the Scheduled Castes, making no distinction between those who favour Congress and those who do not.*

PETHICK-LAWRENCE

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* Mr. Attlee noted on this Minute : 'No further action.' Attlee Papers, University College, Oxford.

21

THE CABINET MISSION AND THE UNTOUCHABLES

How the Cabinet Mission have Ignored the Untouchables ?

"Karachi, October 14, 1946,

Dr. B. R. Ambedkar, Scheduled Castes Leader and Former Member of the Viceroy's Executive Council, arrived in Karachi by air from Bombay on his way to London today.

Dr. Ambedkar said that he was proceeding on a political mission and would meet Mr. C. R. Atlee, Prime Minister, and Mr. Churchill and discuss Indian constitutional matters with them. He declined to be drawn into any further discussion or to clarify the details of his mission—A.P.I."[1]

Dr. B. R. Ambedkar prepared and carried following Memorandum for circulation—Editors.

"The Cabinet Mission in their Statement of 10th May set out their Interim and Long-term proposals for the solution of the political deadlock in India. The most galling and astounding feature of their proposals is their refusal to recognise the Untouchables as a separate and distinct element in the national life of India. The Mission has so completely ignored the Untouchables that not even once have they mentioned them in their long statement. To what extent the Cabinet Mission has gone in ignoring the Untouchables will be apparent from the following:—

(i) The Untouchables have not been given the right to nominate their representatives in the Cenral Executive as have been done in the case of the Sikhs and the Muslims. In the present Interim Government they have got two representatives of the Scheduled Castes neither of them owe any allegiance or obligation to the Scheduled Castes. One is nominated by the Congress and the other is nominated by the Muslim League.

(ii) In the interim Government, the Untouchables have not been given a fixed quota of representation as was done in the case of the Muslims. At the Simla Conference of 1945 it was

[1]: The Times of India, dated 15th October 1946.

agreed that Scheduled Castes should have at least two members in a Cabinet of 14. The reason for a change of front between 1945 and 1946 is not known.

(iii) They have not been given the right to separate representation in the Constituent Assembly. How the Cabinet Mission's decision constitutes a departure from established policy of H.M.G.

2. The decision of the Cabinet Mission has not only done a grave wrong to the Untouchables but it has registered a serious departure from the principles which have guided H.M.G. in its policy regarding Indian politics and regarding the position of the Untouchables.

(i) Before 1920, the Constitutional changes in the Government of India were made by the British Government on their own authority and in accordance with their own wishes.. It was for the first time, that in 1920 that the British Government decided to frame the Constitution of India in consultation with Indians. Accordingly, a Round Table Conference was called to which Indians were invited. Among the Indians, there were representatives of the Untouchables who were invited separately and independently of the Congress or of any other political party.

(ii) Mr. Gandhi, the Congress representative, at the Round Table Conference fought against the recognition of the Untouchables as a separate element in the national life of India and contended that they were part of the Hindus and were therefore not entitled to separate representation. The British Government over-ruled Mr. Gandhi and by their Award recognised that the Untouchables were a separate and distinct element in the national life of India and were therefore entitled to the same safeguards as the other minorities of India such as the Muslims, Indian Christians etc.

(iii) The British Government adhered to this principle in the Simla Conference which was held in June 1945. Among the Indians invited to that Conference, there was a representative of the Untouchables who again was invited separately and independently of the Congress or any other political party.

(iv) It may be said that in the Constituent Assembly which formed part of the Cripps proposals of 1942, there was no provision for separate representation of the Untouchables and that therefore, the present proposals of the Cabinet Mission cannot be said to mark a departure. The answer is that they do. In the Cripps Proposals of 1942, it is not that the Untouchables alone were not given separate representation. The fact is that no minority community was given separate representation in the Constituent Assembly. But in the Constitution of the Constituent Assembly of the Cabinet Mission, the Muslims and the Sikhs have been given separate recognition and separate representation which is denied to the Untouchables. It is this discrimination which constitutes the wrong of which the Untouchables are complaining.

3. The inequity of the proposals of the Cabinet Mission thus lies in the fact that it departs from the policy of recognising the Untouchables as a separate element in the national life of India and discriminates them by not recognising them while recognizing the Muslims and Sikhs.

How the Cabinet Mission's decision abrogates the pledges given by H.M.G to the Untouchables ?

4. The non-recognition of the Untouchables as a separate element by the Cabinet Mission is contrary to the pledges given to them by and on behalf of the British Government. The following are some of the pledges worth mentioning.

(i)

"Nor must we forget the essential necessity in the interests of Indian unity, of the inclusion of the Indian States in any Constitutional Schemes.

I need refer only two of them—the great Muslim minority and the Scheduled Castes—there are the guarantees that have been given to the minorities in the past ; the fact that their position must be safeguarded, and that those guarantees must be honoured."

—Extract from the speech made by Lord Linlithgow, at the Orient Club, Bombay on January 10, 1940.

(ii)

"These are two main points which have emerged. On these two points, His Majesty's Government now desire me to make their position clear. The first is as to the position of the minorities in relation to any future Constitutional Scheme . . . . . It goes without saying that they (H. M. Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government."

—Extract from the Statements by Lord Linlithgow on 8th August 1940.

(iii)

"Congress leaders . . . . . have built up a remarkable organization, the most efficient political machine in India... if only they had succeeded. If the Congress could in fact speak, as it professes to speak, for all the main elements in India's national life, then however advanced their demands, our problem would have been in many respect far easier than it is today. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India's complex national life. These others assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stands the great Muslim community. They will have nothing to do with a Constitution framed by a Constituent Assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity against the operations of a mere numerical majority. The same applies to the great body what are known as the

Scheduled Castes who feel, in spite of Mr. Gandhi's earnest endeavours on their behalf, that as a community, they stand outside the main body of the Hindu community which is represented by the Congress."

—Extract from the speech by the Rt. Hon'ble Mr. L.S. Amery, Secretary of State for India, in the House of Commons on August 14, 1940.

(iv)

"Without recapitulating all these reasons in detail, I should remind you that His Majesty's Government at that time made it clear:—

(a) That, their offer of unqualified freedom after the hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government;

(b) That, it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a "National Government" such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interest of the racial and religious minorities, of the Depressed Classes and their treaty obligations to the Indian states."

—Extract from the letter by Lord Wavell to Mr. Gandhi, dated 15th August, 1944.

5. The Cabinet Mission's proposal not to give separate representation to the Untouchables is not the result of their individual judgement arrived at on an honest examination of the relevant facts. On the other hand, what the Mission has done is to pamper to the prejudices of Mr. Gandhi. Mr. Gandhi is vehemently opposed to the recognition of the Untouchables as a separate element in the national life of India. He opposed their

recognition at the Round Table Conference. When he found that notwithstanding his opposition they were recognized as a separate element by the Communal Award of Mr. Ramsay Macdonald he threatened to fast unto death if the separate recognition of the Untouchables was not withdrawn. Again in 1945 at the First Simla Conference Mr. Gandhi raised his opposition when he found that H.M.G. had given separate recognition of the Untouchables. The Cabinet Mission were anxious to make a success of their proposals. That was not possible unless they could secure the consent of Mr. Gandhi. Mr. Gandhi demanded his price and mission gave it. That price was the sacrifice of the separate political existence of the Untouchables. Indeed one can go further and say that the proposals of the Cabinet Mission, so far as the minorities are concerned, are nothing but the reproduction of Mr. Gandhi's formula which he resounded at the Second Round Table Conference. Mr. Gandhi said that he would recognise only three communities for political purposes (1) Hindus, (2) Muslims and (3) Sikhs. The Mission's formula is a mere copy of Mr. Gandhi's formula. There is no other explanation.

III

Grounds urged by the Cabinet Mission in justification of its decision.

6. For justifying their decision not to recognise the Untouchables as a separate element the Cabinet Mission has relied upon the results of the elections to the Provincial Legislative Assemblies which took place in February 1948. In the course of the debate in Parliament on the Cabinet Mission's proposals which took place on 18th July 1946, the members of the Mission have tried to make out the following points :—

(i) That, in the election, the Congress captured all seats reserved for the Untouchables; that therefore the Congress represented the Untouchables. That being the case there was no justification for giving separate representation to the Untouchables.

(ii) That, the following of the All-India Scheduled Castes Federation and my own was confined only to Bombay and Central Provinces.

Futility of the grounds

7. These are monstrous propositions and will not stand close an honest scrutiny. The Cabinet Mission, to start with committed a great mistake in adopting the results of the election as a basis for assessing the representative character of the Congress. In doing so, the Mission failed to take into account the following circumstances :—

(i) The Hindu electorate was throughout the war intensely anti-British and although it did war work it did not do it willingly. The Congress Party which was anti-British and had non-co-operated with the war effort was a hot favourite of the Hindu electorate. The other parties particularly the Scheduled Castes suffered in the election because they were pro-British and had co-operated in the war effort.

(ii) Just before the date fixed for election, the Viceroy and the Commander-in-Chief staged the trial of the I.N.A. men. The Congress at once took up the cause of the I.N.A. men and made it an election issue. The trial was the principal factor which enhanced the influence of the Congress which was on the wane.

(iii) The issue over which the election was fought was Independence and Quit India. The nature of the future Constitution of India was never the issue. If it had been the issue the Congress would never have got the majority it did.

(iv) The Cabinet Mission did not take into account the open hostility shown by the Returning Officers and the Polling Officers—all of whom were Caste Hindus—against the Scheduled Caste candidates who were opposing the Congress. They went to the length of rejecting their nomination papers and refusing to issue ballot papers. The Cabinet Mission did not take into account the degree of terrorism and intimidation to which the Untouchable voters were subjected by the Caste Hindus on the ground that they were not prepared to vote for the Congress candidates. In the Agra City 40 houses of the Untouchables were burnt down. In Bombay one man from the Untouchable was murdered and in

the moffusil Untouchable voters in hundreds of villages were not allowed to go to the Polling stations. In Nagpur a Police Officer became so much of a partisan of the Congress that he fired without the permission of the Magistrate on a crowd of Untouchable voters just to frightern them away. There were innumerable such cases all over India.

8. If the Cabinet Mission had taken into account these circumstances they would have realized that the success of the Congress at the elections was due to purely advantageous circumstances. The results of the elections held under such circumstances should not have been taken as a justification for not giving separate representation to the Untouchables in the Constituent Assembly.

How the Mission adopted a false criterion for its decision.

9. The criterion adopted by the Mission to decide whether the Congress did or did not represent the Untouchables was how many seats reserved for Untouchables were won by the Congress in the Final Election. This criterion was a false criterion because the results of the final elections are beyond the control of the Untouchables. Under the Poona Pact the final elections are determined by the Hindu votes. The true criterion which the Mission should have adopted was to find out how the Untouchables voted, how many votes were cast in favour of the Congress and how many against the Congress. This can be judged from the results of the Primary elections only and not from the results of the Final elections. For in the Primary election only the Untouchables vote. If the results of the Primary elections are taken as a basis, the decision of the Cabinet Mission, would be found to be absurd and contrary to facts. For only 28 per cent of the votes polled in the Primary elections were cast in favour of the Congress and 72 per cent against it.

10. It is said if the Untouchables felt that they were not in the Congress they should have had a Primary election for every one of the 151 seats reserved for them. As a matter of fact, there were Primary elections for 43 seats only all throughout India. Why did the Untouchables not stage a Primary election for the rest of the 108 seats ?

The argument is absurd for the following reasons :—

(i) Primary election is not obligatory. It becomes obligatory only when there are more than four candidates contesting one seat. It is not realized that anyone who stands for Primary election must also face the necessity of having to stand for Final election. The inability of the Untouchables to bear the expense of double election make it very difficult to induce members of the Untouchable communities to stand for Primary election. The fact that there have been Primary elections only for 43 seats cannot be made the basis for the inference that the Untouchables do not claim to be separate from the Congress.

(ii) It is the Congress who must be asked as to why it did not put up 4 candidates in every consituency in the Primary elections. For if the Congress claims to represent the Untouchables, it should have put up more than 4 candidates on Congress ticket in every constituency and brought about Primary elections in each of the 151 constituencies and ousted every other party from coming into the Final election. The Congress did not do this. On the other hand, even in the 43 Primary elections, the Congress put up only one candidate in each constituency on the off-chance of his coming within the first 4 and then getting him returned in the Final Election with the Hindu votes. This shows that the Congress knew that the Untouchables had no confidence in the Congress.

(iii) It is only in 1937 that the Untouchables for the first time got their right to vote. It is only after 1937 that the Untouchables started organizing themselves for conducting elections. From the mere fact that Scheduled Castes Federation was outmatched by the Congress in the elections, it is wrong to conclude that the Untouchables are with the Congress. The Cabinet Mission ought to have made allowance from the unequal strengh of the Congress and the Scheduled Castes Federation in fighting elections drawing any conclusions adverse to the Federation from the results of the elections.

Futility of the grounds urged by the Mission in justification of their decision

11. The members of the Cabinet Mission argued that Dr. Ambedkar's following was confined to the Scheduled Castes in the Bombay Presidency and the Central Provinces only. There is no foundation for this statement. The Scheduled Castes Federation is functioning in other Provinces as well and it has won therein notable electoral successes, as great as, if not greater than, in Bombay and the Central Provinces. In making this statement the Mission has failed to take into account the single victory Dr. Ambedkar obtained in the election to the Constituent Assembly. He stood as a candidate from the Bengal Provincial Legislative Assembly. He topped the poll as the general seats were concerned, beating even Mr. Sarat Chandra Bose the Leader of the Congress Party. If Dr. Ambedkar has no influence outside Bombay and Central Provinces how did he get elected from Bengal? It must be further remembered that there are 30 seats for the Scheduled Castes in the Bengal Provincial Assembly. Out of the 80 as many as 28 were elected on the Congress ticket. Of the two who belonged to his party one fell ill on the day of the election. Notwithstanding this Dr. Ambedkar topped the poll. This could not have happened unless the Scheduled Caste members of Bengal elected on the Congress ticket had voted for him. It must also be remembered that Scheduled Castes in Bengal do not belong to the community to which Dr. Ambedkar belongs. This shows that even those Scheduled Caste members who belong to the Congress and who do not belong to his community regard him as the leader of the Scheduled Castes. This completely disproves the statement made by the members of the mission.

12. The member of the Cabinet Mission argued that for the sake of maintaining uniformity in the composition of the constituent Assembly they had to adopt in the case of the Untouchables the result of the Final elections as they had done in the case of the other communities. The argument is a form of special pleading which has no force. The mission knew the final election of the Muslims, the Indian Christians and the Sikhs was by separate electorates.

The Final election of the Scheduled Castes was not by separate electorates. Consequently, for the sake of uniformity the Mission should have taken the results of the Primary elections for giving representation to the Untouchables in the Constituent Assembly. The Mission was bound to do so because it was admitted by Sir Strafford Cripps in the debate that the system of election of the Untouchables as determined by the Poona Pact was iniquitious. Why did the Mission then adopt it as a basis for its decision ?

IV

What could be done to save the Untouchables from impending peril

13. The Cabinet Mission has by the Constitution of the Constituent Assembly left the Untouchables entirely at the mercy of the Caste Hindus who have an absolute majority in it. The Untouchables want the restoration of separate electorates given to them by the Communal Award by H.M.G. and the abrogation of the Poona Pact which was forced upon them by coercion practised by Mr. Gandhi through his fast unto death. This, the Hindus are bound to oppose. In reply to the criticism that they have been left to the mercy of the Hindu majority the Cabinet Mission has been advertising their proposal for an Advisory Committee on Minorities as a means of safeguarding minority rights. Anyone who examines the powers and Constitution of the Advisory Committee will know that the body is worse than useless.

(i) In its composition it is only a pale reflection of the Constituent Assembly. The Hindus will dominate it in the same way as they do the Constituent Assembly;

(ii) The fact that there will be a certain number of Untouchables in the Constituent Assembly as well as in the Advisory Committee elected by the goodwill of the Congress can be of no help to them for the Untouchable members of the Assembly and of the Committee are but the creatures of the Hindus;

(iii) The decisions on questions relating to the minority protection by the Advisory Committee are left to the bare majority which means that the decision will be taken by the Caste Hindus and imposed upon the minorities.

(iv) The decision of the Advisory Committee even if they are favourable are no more than recommendations. They are not binding on the Constituent Assembly.

14. The device of an Advisory Committee is thus a hoax if not a humbug and cannot be relied upon to counteract the mischief the Hindu majority may do to the cause of the minorities. The Hindu majority has singled out the Untouchables for their malicious intention and seems to be determined to deprive them of the right to claim the political safeguards which are due to a majority. This is apparent from the letter addressed by the Congress on 25th June 1946 (Item 21 in Cmd. 6861). In that letter the Congress has taken the stand that the Untouchables are not a minority. This is an astounding proposition. For according to Mr. Gandhi's own admission in his weekly called the Harijan of 21st October 1939 the Untouchables were the only real minority in India, The Congress has thus taken a complete somersault. The stand now taken by the Congress is contrary to the underlying principles of the Government of India Act, 1935, which recognizes them a minority. What mischief is contemplated by this somersault it is not possible to know. If the Congress does not regard the Untouchables to be a minority it is possible that the Constituent Assembly might refuse to give them the same safeguards which it might agree to give to the other minorities. The Advisory Committee cannot therefore save the Untouchables from peril.

15. Parliament must, therefore, intervene to see that the position of the Untouchables is not jeopardized. This Parliament must do, not merely because of the pledges it has given but also because of the fact that the discussions of the Constituent Assembly are not subject to ratification.

16. What can Parliament do ? The Untouchables would like that the wrong done to them in regard to the Interim Government be-redressed. They would like their quota fixed. They would like to be given the right to nominate their representatives to the Executive Council. These rights are not new claims. They are vested rights of the Untouchables which were recognized as late as the Simla Conference of 1945. They realize that this wrong it may be difficult to redress now. But if circumstances change and the

Government is reconstituted they expect Parliament to press H.M.G. to right this wrong.

17. Much can be done now to save the Untouchables from the injury which the Constituent Assembly, dominated by the Caste Hindus who are determined to deprive the Untouchables of their political safeguards may do. To prevent this mischief the following steps could be taken :—

I. Press H.M.G. to make a declaration that they regard the Untouchables as a minority.

This is essential in view of the stand taken by the Congress in its letter of the 25th June 1946 (Item 21 in Cmd. 6861). This is all the more necessary because the Viceroy in his reply to the Congress dated 27th June 1946 (Item 38 in Cmd. 6861) has avoided giving a specific denial to the contention of the Congress that the Untouchables are not a minority. If the Government is not pressed to make a declaration now the Untouchables will suffer in two ways :—

(a) The Constituent Assembly dominated by the Hindus will deny them the rights of the minority.

(b) H.M.G. will be free not to come to their rescue on the ground that they were not committed to regard the Untouchables as a minority.

II. Press for a declaration as to whether H.M.G. will institute machinery, if so of what sort, to examine whether the safeguards for minorities framed by the Constituent Assembly are adequate and real.

(a) In their Supplementary Statement dated 25th May 1946 (Cmd. 6835) the Cabinet Mission say :—

> "When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cessation of sovereignty to the Indian People, subject only of two matters which are mentioned in the statement and which we believe, are not controversial, namely : adequate provision for the protection of the minorities (Paragraph 20 of the statement) and willingness to conclude a treaty with H.M.G. to cover matters arising out of the transfer of power (Paragraph 22 of the statement)".

The idea behind this paragraph is not quite clear. It is necessary to press H.M.G. to clarify their intention.

(b) If the words 'subject to' mean that H.M.G. reserve to themselves the right to examine the safeguards for the minorities framed by the Constituent Assembly in order to find out whether they are adequate and real it is necccessary to press H.M.G. to state what machinery they propose to institute for such an inquiry. The machinery of a Joint Parliamentary Committee with power to examine witnesses from minorities communities would be most appropriate. There is a precedent for it. A Joint Parliamentary Committee was appointed when the Government of India Act of 1935 was on the anvil. There would be nothing wrong in following the precedent in dealing with the report of the Constituent Assembly.

III. Press H.M.G. to declare if they will insist upon the Constitution framed by the Constituent Assembly containing clause circumscribing the power of the future Indian Legislature to do away with minority safeguard by bare majority.

(a) Neither the first Statement of the Cabinet Mission of May 16,1946 nor the Supplementary Statement of May 25,1946 deal with the question of providing against the Legislature of a Free India altering the Constitution and abrogating the clauses dealing with the protection of minorities. There is no use in Parliament introducing safeguards if these safeguards can be done away with by the Indian Legislature. The only safeguards against such action is to see that the Constitution framed by the Constituent Assembly contains clauses putting limitations on the Constituent powers of the Indian Legislature and prescribing conditions precedent to be fulfilled before alterations in minority safeguards are made. Such provisions exist in the Constitution of U.S.A. and Australia.

(b) Though this is a matter of vital importance to the minorities the Cabinet Mission has given no thought to the subject. It is necessary to press H.M.G. as to what they have to say on this question.

DR.B.R. AMBEDKAR"[1]

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[1]: Khairmode, Vol. 8, Pp. 124-139.

22

DR. AMBEDKAR'S MEMORANDUM

London, October 25

"Dr. B.R. Ambedkar sent letters last night to the British Prime Minister, the Secretary of State for India, Mr. Winston Churchill and other statesmen.

The letters requested interviews so that Dr. Ambedkar may state his case.

Others with whom he has communicated include Lord Templewood (formerly Sir Samuel Hoare), Lord Scarborough (formerly Sir Roger Lumley), Lord Linlithgow and Lord Salisbury.

Dr. Ambedkar last night told *Reuter's* political correspondent, "I have written also to various other friends who took part in the Round Table Conferences and know the conditions of the Scheduled Castes. I have prepared a memorandum analysing the figures for the primary elections with a view to showing that it is quite untrue to say that the Congress represents the Scheduled Castes."

The memorandum is being printed and copies will be given to the various statesmen approached.—Reuter."[1]

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[1]: The Times of India, dated 26th October, 1946.

23

DEMAND FOR "POLITICAL INDEPENDENCE"

London, November 1 (Reuter)

There is a possibility of the Scheduled Castes of India aligning themselves with the Muslim community if they do not receive separate representation in the new Indian Government, according to Dr. B. R. Ambedkar, leader of the Scheduled Castes, now in London.

Dr. B. R. Ambedkar was commenting to Reuter to-day upon a report from Toronto that Mr. Ameen Tareen, an Indian student at the Toronto University and a former Lahore journalist, stating that Dr. Ambedkar had advised his people to embrace Islam if they failed to obtain satisfaction. "I have not given advice to that effect," Dr. Ambedkar said. "But that situation may arise. Many of my people in India are seriously considering that question. We hope that the Congress and Mr. Gandhi will see light and agree to give the Untouchables political independence from the Hindus. It is a great pity that Mr. Gandhi had not been able to make the distinction.

"Personally, I feel that if Mr. Gandhi and the Congress give them political independence, there will be greater unity, "Co-operation and goodwill between the Hindus and the Untouchables," but if Mr. Gandhi and the Congress seek to bring the "Untouchables" under the political dominance of the Hindus and to make them political slaves of the Hindus, the 'Untouchables' would rebel and would endeavour to seek their salvation by joining some other community."[1]

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[1]: The Bombay Chronicle, dated 2nd November 1946.

24

CHURCHILL - AMBEDKAR TALKS

Dr. B.R. Ambedkar met Mr. Churchill and apprised him of the miserable conditions of the Untouchables in India. The press report of the talk is as under : Editors.

LONDON, November 4 : Dr. Ambedkar, the Scheduled Castes leader, said today, that he had expressed his views for separate representation of the Depressed Classes in the Provincial Government to Mr. Winston Churchill, leader of the British Conservative Party.

The meeting, he said, took place at Mr. Churchill's country home at Westerham, Kent, where he had lunch and spent the best part of the day with the war leader.' I found Mr. Churchill very sympathetic, 'he said.'[1]

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[1]: The Times of India, Wednesday, dated 6th November 1946, P. 5 Reprinted : Khairmode, Vol. 8, Pp. 139.

25

RESTORE THE SEPARATE ELECTORATES

During his stay at London Dr. B. R. Ambedkar addressed a meeting of the Conservative Indian Committee in the House of Commons which was attended by some Labour and Liberal MP's also on November 5th, 1946. Following is the report: Editors.

"LONDON : November 6 (U.P.I.): Dr. B.R. Ambedkar addressed yesterday a meeting of the Conservative Indian Committee in the House of Commons which was attented by some Labour and Liberal M Ps also. The press was not allowed and the talk which lasted nearly an hour was more or less off the record.

It is understood, however, that Dr. Ambedkar expressed his profound disappointment at the Cabinet Mission's work. He explained to the members present, the memorandum which was presented by him to Mr. Churchill and Lord Pethick-Lawarence which attempts to show that the Congress does not represent the Untouchables. He demanded the abrogation of the Poona Pact* signed by himself and Mahatma Gandhi and demanded the restoration of Separate Electorates as envisaged in Mr. Mac Donald's Communal Award.

Dr. Ambedkar has, however, little hopes of succeeding in his mission except in Mr. Churchill being returned to power.

The Labour Members questioned him closely which indicated that the party in "power is in no mood of raking up the whole communal issue." He was told, it is learnt, to adjust himself to the changed situation and try his luck in the Constituent Assembly."[1]

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* See appendix VI.

[1]: Bombay Chronicle, dated 7th November 1946. Reprinted : Khairmode, Vol. 8 Pp. 140-141.

26

DR. AMBEDKAR FEELS BRITISH WILL DO JUSTICE

London, November 7 (Reuter)

The belief that the British Government, if the occasion arose, would not hesitate to rectify any wrongs done to the Scheduled Castes, was expressed to Fraser Wighton, Reuter's Political Correspondent, in an interview tonight by Dr. B. R. Ambedkar, the Scheduled Castes Leader, who is flying back to India on Monday at the close of his mission to England.

Dr. Ambedkar, who came to protest at what he considers injustice that the Scheduled Castes have not been permitted to nominate their own representative to the Indian Provisional Government has seen all principal British Political Leaders, including the Prime Minister, Mr. Clement Attlee.

Dr. Ambedkar said that he was more than satisfied with the result of his visit to England. "I have found among all parties profound sympathy for the Scheduled Castes and their future," he said.

"This applies among all the parties and in all quarters", declared Dr. Ambedkar adding that he considered his visit had the effect of acquainting everyone in England of the peril in which Untouchables stand at the present moment having regard to the institution of the Constituent Assembly and the position they occupy in it.

I have no doubt that this question will not be forgotten or neglected by the various parties in Parliament whenever India comes up for discussion. That in itself is a great solace to the Untouchables, who all along were feeling that their case might go by the board."

Dr. Ambedkar added that he had met members of the Government and although it was natural that they should be hesitant to make any comments as to the future course of their action, he believed that if the occasion arose for their intervention, they would not hesitate to rectify any wrong done to the Untouchables.

Dr. Ambedkar said he was quite surprised to find that some of Mr. Gandhi's friends in London were critical of his attitude towards the Scheduled Castes. "In their opinion even if the Untouchables were Hindus, that in itself is not an objection to giving them separate electorates", he said. Mr. Attlee's knowledge of Indian situation impressed Dr. Ambedkar who thought that the Prime Minister was aware that the Scheduled Castes "needed to be looked after."

He also thought that "Mr. Churchill was very keen and desirous of seeing that the Scheduled Castes were protected* in any Constitution that might be framed."[1]

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* See appendix - VII.

[1]: The Bombay Chronicle, dated 9th November 1946.

27

ASCERTAIN WISHES OF MINORITIES

Dr. B. R. Ambedkar while returning from London to India was interviewed at Karachi air port on November 15, 1946. The following is the report: Editors.

KARACHI, November 15, 1946 :- The hope that before the passing of the Act in Parliament transferring sovereignty to India the British Government would take some definite steps to ascertain the real wishes of the minorities, including the Depressed Classes, was expressed by Dr. B. R. Ambedkar, in an interview here on his return from the United Kingdom.

Dr. Ambedkar urged the Congress even at this eleventh hour to grant the Depressed Classes separate political representation in order to ensure absolute peace between them.

He said that he discussed the Depressed Classes problems with the British Prime Minister and the Secretary of State for India as well as with Mr. Churchill, Mr. R. A. Butler, Lord Templewood, formerly Sir Samuel Hoare, who as Secretary of State for India piloted the India Act of 1935 and Lord Scarborough.

Dr. Ambedkar said that there was in Britain not only a great deal of sympathy but a general resentment that the Depressed Classes should have been ignored in the manner in which the Cabinet Mission had done. He added : The memorandum which I submitted and which contained an analysis of the figures of primary elections caused great surprise because the statement made by the members of the British Cabinet Mission in the Commons that the Congress represented the Scheduled Classes were absolutely disapproved by the figures. I am, therefore, quite certain that when the matter comes to be examined by Parliament at the time of the passing of the Act, transferring sovereignty, they will not be guided by the mere fact that the decision by Constituent Assembly with regard to minority safeguards is a decision arrived at by the majority and that some definite steps will be taken to ascertain the real wishes of the minorities concerned."

Asked whether he would participate in the Constituent Assembly, Dr. Ambedkar said he certainly would and added : "I

would act in a Constitutional manner to further our cause. After all constitutional means are exhausted, we shall then consider what other means we can adopt.,

Dr. Ambedkar left for Bombay by Air this afternoon."[1]

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[1]: The Times of India, Saturday, dated 16th November 1946. Reprinted : Khairmode, Vol. 8, P. 142-143.

28

"DAWN" ON AMBEDKARS POLITICAL MISSION TO ENGLAND

1st January, 1947

After a month of patent labour in Britain where he met leading members of the Govt. as well as of the opposition, Dr. Ambedkar, the Scheduled Castes leader, has returned to India where his main work lies. The trip to London was undertaken in order to place his community's case before the British Public in a realistic manner. Congress propaganda for the last several years has created a wrong picture of the existing divisions in the country and even the Cabinet Mission was taken in by its false presentation of facts.

The All India Scheduled Castes Federation is the representative organisation of the Community and Congress has come in as an interloper to disrupt the strength and solidarity of the organisation. The statement by the Cabinet Mission members in the House of Commons that the Congress represented the Scheduled Castes is correct only to the extent that this powerful political organisation backed up with its immense resources succeeded in capturing many seats reserved for the Scheduled Castes. That did not mean that the true representatives of the community have been returned to the various legislatures.

Dr. Ambedkar's immediate task in Britain was to demolish this myth and he has done it in the memorandum which he has submitted to the British political leaders. The memorandum itself has not been published but from the interview Dr. Ambedkar gave on his arrival in Karachi it is clear that he has gained some measure of success in his mission. He has established personal contacts with several leading personalities in Britain including Mr. Attlee and Mr. Churchill, and he speaks confidently that when the matter comes to be examined by the Parliament at the time of passing the Act transferring sovereignty some definite steps are sure to be taken to ascertain the real wishes of the Minorities as to the safeguards they need. It is also cheering to hear from the Doctor that there is not only a great deal of sympathy among the British Public for the Scheduled Castes' cause but also general resentment that the Cabinet Mission should have ignored the claims of the

community. Even among the labour party people the feeling is said to be growing whether after all what the labour Government has done for the solution of the Indian constitutional problem is the right thing to do. This is certainly a gain for once the British public gives up wishful thinking and faces the realities of the Indian situation, solution of the Indian problem should become less difficult.

Dr. Ambedkar insists on separate political representation for the Depressed Classes as the only means by which their dispute with the Congress can be settled and once this is granted, he thinks, there will be absolute peace between the Congress and the Scheduled Castes. As one who has suffered in his earlier days from Caste Hindu tyranny and ostracism he cannot easily be brought round to trust the Upper Classes among the Hindus nor can he safely place the destiny of his community to their tender mercies. Adequate statutory protection of their rights against Caste Hindu encroachments is a wise course that dictates his line of action. He says, he is wedded to constitutional means of seeking redress of his community's grievances and only after they have been exhausted will he look to other courses. Here is the olive branch extended to the Congress.

The Scheduled Castes leader has denied any secret pact between the Scheduled Castes Federation and the Muslim League. What pact secret or otherwise, can there be except that they are both alive to the common peril that faces them and the country by the in position of Caste Hindu Congress rule over this sub-continent ? The character and Composition of the Congress leadership is such that it has given grave fears among wide sections of the people and if the League and Scheduled Castes are drawn together, it is out of a realisation of the common danger and how best to face it in the general interest and well being of the people as a whole. The life of the Depressed Classes in this country has been that of slaves for ages and they are determined to end it. It is for them to decide as to how best they can do it and not for the Congress to dictate.

"Dawn"[1]

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[1]: Reprinted : Jai Bheem : 1st January 1947.

SECTION III

ON BUILDING OF NATION AND ITS DEMOCRACY

blank

1

PROVINCIAL AUTONOMY WITHOUT RESPONSIBILITY WOULD BE UNWISE

Dr. B. R. Ambedkar left for England on November 7, 1932. In an interview, as the time of his departure, he said that the establishment of Provincial Autonomy without responsibility at the Centre would be unwise and that he disliked the idea of Central responsibility for British India being made dependent upon an All-India Federation. As regards the Civil Disobedience Movement of Gandhi, he opined that it was not a rebellion as it could not oust the British Bureaucracy.

Keer, P. 219.

2

JOINT VS. SEPARATE ELECTORATES DR. AMBEDKARS VIA MEDIA

Minority in a Province to Decide Question

The Times of India reported Dr. B. R. Ambedkar's statement on this subject as saying that—

"The exchange of views and compliments between Pandit Madan Mohan Malaviya and Mr. Jinnah has once more revealed that there is no hope in the immediate future of the Hindus and Muslims agreeing to replace the Communal Decision of His Majesty's Government by a settlement based on mutual agreement. Pandit Malaviya has left the field by saying that for the present the two communities must work separately, I do not know how many will look with satisfaction at the prospect of the two communities working separately. To me at any rate it appears that working in separation must inevitably end in working in antagonism.

I am neither a Hindu nor a Muslim, and I make this proposal not as a Partisan but as a student of the problem.

Before I set forth the proposal, I should like to promise that the expression "minority" has been loosely used in the communal controversy and what is worse is that it is used without any reference to the Province or to the constituency in a Province in relation to which alone it can have any meaning in politics. In my view a community is a minority and is entitled to get protection as a "minority" only if it is a minority in the Province, or strictly speaking if it is a "minority" in the constituency. Except in relation to the Province or to the constituency a "minority" has no political significance.

A Suggestion

Staring from this basic point, on which I should like to lay the utmost emphasis I can, my proposal is to separate the two questions that are covered in the Communal Award, namely the question of seats and the question of electorates. These two questions are

separate questions and the considerations that have to be taken into account for their solution are quite different. Having separated the two questions, my advice to Hindus and to Muslims is to accept that part of the Communal Award which deals with the number of seats if not permanently, *Pro tem,* leaving it to be decided on some more equitable principle at some future stage. But with regard to the question of electorates let the Communal Award be modified by the acceptance by Hindus and Muslims of this simple proposition, that the question of electorates is a matter for the minority in the Province or strictly for a minorty in a particular constituency of the Province whether the election before the Central or Provincial Legislature and the majority should abide by the decision of the minority.

Minority Must Decide

If the minority wants separate electorates the majority should have nothing to say against it; equally if the minority wants joint electorates, the majority should be bound to accept their decision.

The proposal could be applied even in cases where there are many minorities and where they are not of a common mind on the issue of electorates. In such cases the minority which wants a separate electorate will have a separate register for itself, while the minority wishing to have a joint electorate will have a common register with the majority. Nothing could be better if the agreement accepted the principle that the decision in the matter of electorates is to rest with the minority in each constituency. But if that cannot be achieved, it would be some advance if an agreement could be arrived at on the basis that the decision as to the electorates is to be left to the minority in the Province.

By such an agreement the Muslim minorities in the Hindu majority Provinces like Bombay, Madras, the Central Provinces, the United Provinces, etc, will get separate electorates if they choose to have them. On the other hand, in the Muslim majority Provinces like the Punjab, Sind, Bengal and the N. W. F. Provinces

the Hindus will have joint electorates if they ask for them. The whole point of the proposal is to leave the question of the electorates to the decision of the minority. Separate or joint electorates are devised for the protection of the minority and the minority is the best judge as to which of these two will protect it best.

If the proposal is faulty in principle, it would, of course, deserve no consideration at the hands of either Mr. Jinnah or Pandit Madan Mohan Malaviya. But if the proposal is just and fair, as I believe it is, I hope Mr. Jinnah will have the courage to pass it upon his Co-religionists and Pandit Malaviya the wisdom to accept.

A Middle Stage

The proposal does not, of course, help in one sweep to realise the goal of the Congress and the Hindu Mahasabha to have joint electorates instituted in all the Provinces of India between Hindus and Muslims. But the proposal has the merit of establishing a middle stage between the extreme Congress and Hindu Mahasabha stand on joint electorates throughout and the extreme Muslim demand of separate electorates throughout. From this middle stage, at which there will prevail a mixed system of joint electorates in some Provinces and separate electorates in the rest, the journey to the final stage of joint electorates throughout will be rendered very easy. It is only the impatient idealists among the protagonists of joint electorates who will disapprove of the proposal."[1]

However, there were additional dimensions in the statement of Dr. B. R. Ambedkar, on the subject which were reported by the 'Janata'. The dimensions were ;

"The structure of the electorate is not an exclusive concern of the minority. It is a problem in constitution-making in which the whole nation has a stake. A national problem cannot be converted into a special preserve for the exclusive judgment of this or that part of it, by the mere assertion of some claim for protection supposed to be connected with it. Since uniformity on any question is impossible, the judgment of the majority has come to do duty as the nearest possible substitute to the will of the people, in a world of inevitable divergence in political tenets.

[1] : The Times of India, dated 9th April 1934.

To elevate the minority, only because it is a minority, to a pinnacle of power and prestige superior to that held by the majority, is the way to cut at the root of the very fundamental principle of democratic government. Political thought marches from precedent to precedent. An objectionable principle, once given quarter tends to surround itself with a sort of vested interest. With power secured from mere sufferance, it defies all attempts made to dislodge it. It is for this reason that temporary compromises, tolerated with the hope of being soon dispensed with, end by becoming formidable obstacles to progress.

No consideration can justify the setting up of a tyranny of the minority, or the relegation of the will of the majority to a status inferior to that of minority.

— Free Press"[1]

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[1] : Reprinted : Janata, dated 28th April 1934.

3

ASSURANCE WILL NOT BE LOSS TO GOVERNOR ; NOR IT WILL BE GAIN TO CONGRESS.

Bombay, April 8, 1937.

"Dr. B. R. Ambedkar, Barrister-at-Law, has issued the following statement on the constitutional *impasse* in India :

"Having lost the field to the Congress I did not think it necessary to express my views on the situation that has arisen, as a result of the refusal of the Governors to give an undertaking to the Congress leaders in terms of the All-India Congress Committee resolution. But as some friends pressed me to say what I think of the situation, I have persuaded myself to enter into the controversy.

I cannot understand why Congressmen blame the Governor for framing what are called interim Ministries, and I am somewhat surprised to find that Congressmen who are so unwilling to accept offices and whose programme was to wreck the Constitution, instead of having a sigh of relief at the installation of the interim ministries, should be so glamorous and indignant at the loss of the chance, that one begins to suspect that their cry of wrecking the Constitution was a mere pose.

Governor not to Blame

When a party which has a majority refuses to accept office, it is the duty of the Governor to offer it to those who can give him the assurance that they can secure the majority in the Legislature to support their policy. The persons to blame are not the Governors, but the men who have accepted offices. It is for those who have accepted offices to consider, whether they would not be held guilty of deceiving the Governor, should they fail to produce the necessary majority on the floor of the House. The Governors will come in for blame only if they were to use their special powers under the Constitution to keep in office ministers who have lost the confidence of the majority of the Legislature, because under the Instrument of Instructions issued to them, the Governors have been

enjoined to be studious so to exercise their powers, as not to enable their Ministers to rely upon their special powers in order to relieve themselves of the responsibilities, which properly belongs to ministers.

Situation not Arisen

That situation has not yet arisen, and before passing any criticism upon the action of the Governor, we have to wait and see what he does, when the Ministers who are now in charge are defeated by the adverse vote of the Legislature.

Assurance demand

The principal question, however, is whether the Congress was justified in asking an undertaking from the Governor before accepting office, to which they are by reason of their majority entitled to. It is admitted by Congressmen that they do not want an amendment of the Statute. It is the contention of Congressmen that the Governors could have given the undertaking they want, without in any way abrogating the provisions of the Government of India Act, and the question is whether such an undertaking can be given without the abrogation of the Statute.

King and Governor

Both Mr. Bhulabhai Desai and Mr. C. Rajagopalachari in championing the position taken by the Congress have stated in so many words that there is nothing in the Act to prevent the Governors from giving the undertaking and that if the Governors did not give the undertaking it was because they did not wish to give it.

The question we are concerned with, is whether without affecting the provisions of the Government of India Act, it is possible for the Governors to agree to suspend their special powers. The view taken by Mr. Bhulabhai Desai appeals to be founded on the belief that there is no difference between the special power given to the Governor under the Government of India Act and the veto powers of the King. But I contend that the power of individual judgment of individual discretion vested in the Governor is of a totally different character from the power of veto possessed by the King under the English Constitution.

The power of veto gives to the King the right to reject the advice of a Minister of his Cabinet that a certain course of action may be pursued. But it does not give the King the right to act in a particular way without the advice of a Minister to take responsibility for it.

The power of individual judgment and individual discretion not only gives the Governor the right to reject the advice of a Minister but it also gives him the right to act without the Minister's advice in support of that. In fact, contrary to the advice of the Minister, the King must have some Minister to support the action he proposes to take. The Governor need have no Minister to support the action he takes. That is the difference between the power of veto and the power of individual judgment.

Limited Ministry

Mr. Rajagopalachari's claim that the Ministers in India are entitled to the same treatment which Ministers under the Parliamentary system of popular government are entitled to, disclose a complete misunderstanding of the system of Government embodied in the Government of India Act. The system of Government embodies in the Government of India Act is a system of limited Ministry. It is not a system of limited monarchy. In a limited monarchy the authority of monarchy is limited by the power of the ministry. In the limited ministry system, the power of the ministers is limited by the authority of the Governor. If these distinctions which I have tried to point out, the distinction between veto power and individual judgment and the distinction between limited ministry and limited monarchy, are borne in mind, it will be easy to understand why the King can suspend his power of veto and the Governor cannot. The Governor cannot give up his special powers. Under the law, he is responsible for whatever is done by the Ministry should the action of the Ministry result in evil consequences. One may quarred with the constitution and insist that the responsibility should be on the Ministry and not on the Governor but one cannot ignore it. Taking the Constitution as it is and marking the difference that exists between it and the English Constitution, there is no question in my mind that the legal inability of the Governors to abandon their special powers is real and that they cannot have abdicated their functions without violation of the

Constitutional law which by their Instrument of Instructions they are bound to carry out. To put it in simpler form one can give up power if there is no responsibility, but, one cannot give up power, if there is responsibility.

The existence of special powers in my judgment could never be urged as a serious ground of objection to the working of the Constitution.

Mahatma's Reason

Mahatma Gandhi has given quite a different reason for demanding the assurance. The ground is so insubstantial that one wonders whether it could have been urged by any one who knows how constitutions are worked. He says : "a strong party with a decisive backing of the electorate could not accept to put itself in the precarious position of being all the time in dread of interference at the will of the Governor ;" self-respecting Minister conscious of his absolute majority. One would have thought that a Ministry conscious of its electoral strength instead of its electoral strength instead of cringing for an assurance would enter the field and defy the Governor and use their powers against him. "Surely if an undertaking is necessary at all, it is for a weak Ministry which has no electoral strength behind it to ask for it. An undertaking is not necessary for a strong Party like the Congress. Why are Congressmen begging for an assurance from the Governor of good behaviour. They can compel him to behave.

Governors can give Assurance

Could not the Governors have treated the Congressmen as we treat naughty children and stopped them from creating trouble by giving them an assurance for which they were crying? Reading the resolution of the A.I.C.C. and taking note of the fact that they were asking for an assurance in terms of that resolution. I believe that nothing would have been lost, if such an assurance had been given. It seems to me that as the Congress Ministers were giving an undertaking to act within the Constitution and this undertaking is quite explicit in their formula there was apparently no reason why the Governors should have refused to give the reciprocal undertaking that they would not exercise their special powers.

No Gain or Loss

But the question that I would like to ask all Congressmen is this. What is it that they would have gained if the Governor had given the undertaking in the terms of the A.I.C.C. resolution? It seems to me that the important question is who is to determine whether the occasion for the exercise of the Special Powers by the Governor had arisen or not. There would have been something achieved, if the Congressmen were asking for an undertaking that whether the occasion for the use of special powers had arisen or not was to be determined by the Cabinet. Such an undertaking would have been of real value, but such an undertaking was not demanded. The undertaking demanded by Congressmen was inconsequential, that in spite of it and without violating it, the Governor would have been left free to interfere on the plea that in doing a particular thing the Ministry was acting in such a manner that in his judgment the occasion for the use of Special Power had arisen. I have been therefore trying to find out what would have been lost by the Governor if he had given the assurance and what would have been gained by the Congressmen if the Assurance had been given."[1]

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[1] :The Bombay Chronicle, dated 9th April 1937.

4

IT IS PURELY A PARTY MOVE NO NATIONAL PURPOSE

"Dr. B. R. Ambedkar, leader of the Independent Labour Party in the Bombay Provincial Legislature, on behalf of himself and his party members, has written a letter to Mr. B. G. Kher, leader of the Congress Party, refusing to support the latter party in expressing disapproval of the appointment of the Council of Ministers by the Governor of Bombay.

In his reply, Dr. Ambedkar throws the blame for the present situation upon the Congress Party, for, in his party's opinion, the Congress demand for an assurance from the Governor is unnecessary and impossible.

The Governor's action in not calling the session of the Legislature, Dr. Ambedkar maintains, cannot at the moment be called into question. Such action will be unconstitutional only if six months elapse without the session being called.

The Constitution having now come into operation, Independent Labour Party thinks, that no extra-constitutional agitation by members of the Legislature should be launched upon unless all constitutional means have been tried and have failed.

This move of the Congress Party is intended to justify the Congress position, and to enhance its power and prestige, adds Dr. Ambedkar. It is purely a party move. It has no national purpose."[1] *

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[1] *The Times of India,* dated 17th May 1937.

* Jagjiwan Ram, President Bihar Prov. Depressed Classes Leage, Patna sent a letter dated 8th March 1937 to Dr. B. R. Ambedkar. may be perused at appendix-VIII

5

WE SHALL WAGE RELENTLESS WAR TO INTRODUCE ADULT FRANCHISE

"It is amazing that the Bombay Ministry holding office on the ticket of the Indian National Congress which has pompously announced the programme of framing the National Constitution through Constituent Assembly elected on the basis of adult franchise, should shirk its duty and responsibility on the question of adult franchise in the manner in which it is trying to do in the matter of Bombay Municipal Amendment Bill" said Dr. Ambedkar in the course of an interview with a "Sentinel" representative.

"Some of the members of the Lothian Committee for which the Congress never showed much love was prepared to introduce adult franchise throughout the entire Province "he said," and the only difficulty which came in their way was the scarcity of men to register votes on the polling day."

"The Congress Government which has been shouting for years past for adult franchise should have taken the first opportunity to introduce it in district and taluka boards and municipalities. But they have shirked this responsibility right at the start.

"As regards adult franchise for Bombay Municipality there should not have been any room for hesitation, if there is any place in the whole Presidency which is best fitted for "experiment" in adult franchise, it is Bombay. The standard of literacy is higher here than anywhere else. The people are more alive to public question than perhaps elsewhere. There are a host of other reasons why Bombay is the fittest place for introducing adult franchise. Yet the Congress Ministry brings forward a bill which contemplate adult franchise in 1942 and that on the condition that the Corporation would agree to it.

"As Mr. N. M. Joshi has said, it is an absurd condition. The Corporation is not going to commit suicide by voting for an electorate which will, to a large extent, wipe them out of existence.

Greatness can be achieved only by struggle and sacrifice. Neither manhood nor Godhood can be obtained without going through the ordeal of fire.

—Dr. B. R. Ambedkar

blank

WHATEVER THE POLICY OF THE CONGRESS GOVERNMENT, I AND MY PARTY, REPRESENTING THE MOST DOWNTRODDEN STRATA OF SOCIETY, WILL JOIN AND FURTHER ANY MOVEMENT THAT CAN SECURE ADULT FRANCHISE FOR THE CITY

On the floor of the Assembly we shall organise a relentless battle to secure this—the prime condition of democracy—and if possible force the hands of the Ministry to yield.

OUTSIDE THE ASSEMBLY WE SHALL HELP

IN THE ORGANISATION OF MEETINGS AND DEMONSTRATIONS TO MAKE THE MINISTRY REALISE THE FORCE OF PUBLIC DEMANDAND THE VALUE OF IMPLEMENTING PUBLIC PLEDGES AND PRINCIPLES.

I hope, however, that the Ministry will have the wisdom to realise the folly of introducing a bill of the nature they propose to do. I hope, before introducing it in the Assembly, they will remember their promises and pledges and make the necessary changes so as immediately to introduce adult franchise without having to wait till 1942 and for the consent of the Corporation." [1]

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1. : The Bombay Sentinel, dated 31st January 1938.

6

MOBILISE AGAINST FEDERATION TURNING POINT IN HISTORY OF NATION

Bombay, July 20, 1938.

"Federation is an issue on which all the progressive elements in the country should concentrate their strength, irrespective of party differences, so that the future of the country may not be endangered"

"This is a crucial moment and it demands the highest sacrifice from all," observed Dr. B. R. Ambedkar, Leader of the Independent Labour Party of Bombay, in the course of a statement to the "United Press," on the present controversy relating to Federation and the attitude of his party to it.

Congress and Federation

"At the present moment" continued Dr. Ambedkar, "the political issue of the highest national importance in this country is the acceptance or nonacceptance of the Federal Plan as embodied in the Government of India Act, 1935. The representatives of the British Government are straining every nerve to introduce Federation at the earliest possible date. Apparently the whole country is opposed to that part of the Government of India Act which relates to Federation. There are, however, different shades in the opposition and even the Congress Party which is committed to the rejection of the Federal Plan seems to be divided as regards the attitude the Congress should adopt in practice towards Federation. There are reasons to believe that most of the older leaders are not after all so uncompromising in their opposition as the wording of the resolutions passed on the subject from the Congress platform may lead some people to suppose and that to a few of them the introduction of Federation would be positively welcome.

"Further, on the strength of the past experience in such matters the fear may rightly be entertained that the older leaders of the party

will eventually succeed in silencing the opposition of the younger leaders either on the ground of accepting it for what it is worth or on the usual ground of accepting it for wrecking it. There is also circumstantial evidence to believe that in spite of all camouflage there have been recently secret negotiations in India as well as in England. It is, therefore, just likely that as the result of these negotiations the constitution will be subjected to some tinkering processs and then it will be declared as worthy of acceptance."

Turning Point

Referring to the policy of the Independent Labour Party Dr. Ambedkar said: "The Independent Labour Party feels that this is a turning point in the nation's life and that it is the duty of every party in the country to look at the question not from a party point of view but from a standpoint of the country. The reactionary nature of the Federal scheme in the Government of India Act is not properly and fully realised in many quarters. Most of the Indian politicians seem to be dissatisfed with the new constitution merely because it is halting and withholds full powers of self-government. Its dangers are not sufficiently realised by them. And in the case of these leaders the threat not to work the Constitution may be regarded as only bluff. I am afraid the majority of the Congressmen, or the majority of the leaders, for that matter belong to this category.

"The Independent Labour Party will never be a party to bartering away the country's freedom to grow to full nationhood, for the sake of a mess of pottage, by howsoever a big name it may be called. In the process of evolution, Federation may be inevitable, but certainly it is not the Federation which is envisaged in the new Constitution."

Defects in Federation

Referring to the grounds of criticisms against Federation by his party Dr. Ambedkar said : "The grounds of criticism may be divided into two groups (1) imperfections, and (2) inherent defects. The former include the preponderating representation given to the States, the represenation of the States through

nominations, the unequal distribution of financial burden between British India and the States, indirect elections to the Federal Assembly and the special responsibilities of the Governor-General. Under the latter the following may be mentioned: (1) treating Paramountacy as a reserved subject, (2) impossibility of securing full control over the army and (3) the impossibility of securing full control over finances. Although the imperfections are serious, they may disappear or be removed or mitigated in the course of time. Such is not the case with the inherent defects. These defects cannot be removed unless the whole Federal constitution is scrapped. Nobody need quarrel with a constitution because it has certain imperfections in it. These imperfections can be removed in practice by mutual understanding and experience shows that it is not impossible. If they are such that they cannot be removed in practice, they can be made good when the time for revision comes. But the case is totally different when the constitution is based upon principles which are defective and which cannot allow it to grow. The Federal Constitution is wrong in its conception and wrong in its basis."

"Deadly Poison"

Concluding Dr. Ambedkar said: "The introduction of the Federal Scheme in the Government of India Act deserves, in the opinion of the Independent Labour Party, to be resisted by every possible means. The Federal part of the new constitution must be shunned as a deadly poison. Should the Congress decided by a majority to fight the new constitution it shall have the full support of the Independent Labour Party. In case, however, the majority in the Congress be swayed by the reactionary element and Mr. Subhas Chandra Bose decides to stick to his guns, the Independent Labour Pary will join hands with his party. Our party will co-operate with the party or the combination of parties undertaking to fight the Federal part of the new constitution in every possible way."

United Press." [1]

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1. : The Bombay Chronicle, dated 21st July 1938.

7

DISTRIBUTIVE SYSTEM OF VOTING

Dr. Ambedkar's Opposition

Bombay, Thursday*

"Dr. B. R. Ambedkar, the Labour leader, has cabled to the Secretary of State for India and to Major Attlee, the Opposition leader, expressing opposition to the Untouchables to the proposed distributive system of voting.

The following is the text of the cable :—

Secretary of State for India, London.

On behalf of Untouchables I emphatically protest proposal to introduce distributive system of voting as antagonistic to spirit of Poona Pact.

AMBEDKAR.

Major Attlee, M. P.
House of Commons,
London.

"Opposed proposed Order-in-Council introducing distributive vote injurious to Untouchables.

AMBEDKAR." [1]

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* the 9th March 1939.

1. : The Free Press Journal, dated 10th March 1939.

8

GREAT BRITAIN MUST BE SUPPORTED

The views that India should support Great Britain in the War is expressed by Dr. B. R. Ambedkar, President of the Independent Labour Party, outlining the parties attitude, in a statement to the press—Editors

The Executive Council of the Independent Labour Party has authorised the President of the Party to issue the following statement defining the attitude of the Party towards the European War.

Ever since the War was declared, there has been a stream of statements flowing from representative Indians expressing their views as to the duty of Indians in this War. Although there is a preponderance of opinion that India should join the war on the side of Great Britain there is no enthusiasm. On the contrary, there is noticable quite a degree of hesitancy and unwillingness to throw in their lot with Great Britain. It is obvious that if help is to be rendered then there must be no lukewarmness or unfriendliness.

Between the lukewarm who are prepared to do no more than co-operate for the purpose only of inactive defence and the unfriendly anything except cause passive obstacle anything by way of real help will be neutralized. It is, therefore, necessary to enlist the support of all classes and sections, and for that it is necessary to examine and understand the reasons which are responsible for this want of enthusiasm.

Chamberlain's Lethargy

Analysing the causes of this want of enthusiasm it appears to the Independent Labour Party that it undoubtedly arises from the conduct of Great Britain and France in the past. Great Britain and France have been very slow in taking action against Germany.

Instead of putting down the aggression by Germany on the first available opportunity by collective action they have allowed Germany to commit acts of aggression one after the other and have pursued the policy of appeasing Germany of sacrificing the life and liberty of nations particularly Czecho-Slovakia whom it was their sacred duty to protect. Hitler has been allowed five victories and Poland may be his sixth.

The Independent Labour Party feels that he ought to have been dealt with long ago by the Powers who have now come forward to oppose him.

By their being ready to buy peace from Germany by sacrificing the life and liberty of smaller and weaker nations a great deal of the moral basis of this Call to Arms is lost.

The Independent Labour Party feels that wars are fought without and sincere desire to establish peace on just and lasting terms and to preserve the terms of peace from being trampled upon after it is made.

Three Essential Conditions

Great Britain and France never realized that while collective security is good it is not enough. In the 1914 war, there was nothing wanting in collective security. There was a great array of nations out to put down the aggressor and the aggressor was put down. But the aggressor rose again from his grave and is now on the top of every body.

This shows that mere victory is not enough to put down the aggressor. The Independent Labour Party feels that certain other precautions such as the following must be taken if war is to result in a lasting peace.

First:—Victory must result in a peace which is just.

Second :—Peace must be protected by collective action.

Third:—The Protagonists of peace must be prepared to vindicate any breach of the peace no matter where it occurs, near or far and no matter who is the victim of it.

Without these precautions it is not possible to put an end to war. Indeed, the Independent Labour Party is so strongly impressed by these considerations that it feels that as a preliminary step the Allies should forthwith establish a Council of the representatives of nations who are ready to fight on their side to determine the terms of peace and announce them to the world so that they may be known to all and also to the German people.

Nothing in the opinion of the Independent Labour Party can convince the world better of the justice of the Allies' cause than such an announcement. It will assure every one that the Allies'

claim is to have a just peace and are determined to maintain it when obtained. Only such a war can truely be said to be a war to end war. In such a war no some person can have any hesitation to join.

India And Empire Foreign Policy

There is one other defect in the situation which the Independent Labour Party thinks is responsible for this attitude of hesitancy on the part of Indians to help Great Britain. As the position stands to-day India is tied to the chariot wheels of the British Cabinet. The British Statesmen are free to pursue any kind of foreign policy and make any kind of international commitments. They are free to declare or not to declare war as they please and they are free to make any kind of peace they like. India has no voice in their foreign policy in declaring war nor in the making of peace.

If a particular foreign policy succeeds very little of its advantage comes to India. But if the policy leads to war then Indians are called upon to help in men and money.

India has no *'locus standi'* in the making of events that bring on war. She has no *locus standi*[1] in the making of terms which often instead of ending war only adjourn war. Her duty is to be present only when war is on. Such a position is, to say the least anomalous and unfair to a country like India.

Unquestionable Right

It is true that at the time of the Versailles Treaty Indian delegates were allowed to attest the terms of the Treaty. But it is no compensation to India to have the honour of attesting the peace terms when they are made. India has a greater claim to participate in the foreign policy of the British Empire and in the making of the peace terms than any dominion.

The Dominions have the right to be neutral. Consequently they are not bound to undergo the consequences of a war resulting from a particular foreign policy if they do not approve of the justness or propriety of the war. But India has no escape from any war which the British Cabinet chooses to involve themselves in. If India is to be committed to war or peace then she has an absolute right to be consulted, which sadly is not the case to-day.

Menace To All Nations

The Independent Labour Party has taken into consideration all these grounds of hesitancy. It cannot be denied that they have considerable weight in them. If the war was being fought just to save Poland they might have acquired more decisive force. For in the opinion of the Independent Labour Party there is not much virtue on the side of Poland. Poland has put democracy to death long ago. The treatment of Jews by Poland was not less cruel than the treatment accorded to them by the Germans. Poland, even in this emergency, was prepared to die rather than be saved with the help of Russia. But as the Independent Labour Party sees it the war is not fought merely for the sake of Poland.

The Polish issue is only an incident in the war. Nobody can deny that the war between Germany and Poland has a deeper significance and a wider range. It is a war in which 'Germany claims that she is not merely a nation, one among many, but that she must be acknowledged as a superior nation high above and over the rest, whose will he obeyed without question and that in case of disobedience she has the right to impose her will upon those who disagree with her by means of violence. Such a claim is a menace to all nations and not merely to Poland.

Insult To India

In a situation like this it is obvious that those nation who believe that all nations are equal, that each of them has equal right to live, pursue its happiness without being hampered by its fellows and * total of human civilization must combine to resist this preposterous claim.

The claim made on behalf of the German nation is an insult to other nations. But it is particularly obnoxious to India. It runs counter to aspirations and ambitions of the Indian people and is calculated to defeat and destroy them. India is aspiring to be a nation of self governing people and her ambition is that in spite of all difficulties she will not only attain that status but will strive to maintain that status.

When Germany insists that the Nordic race alone must dominate the word and that every other nation of another race must take a subordinate place, she throws a challenge to all other races.

* Few words are illegibles.

Having regard to the aspirations and ambitions of the Indian people and having regard to the fundamental conflict between them and the German, ideal India cannot avoid taking up the challenge of Germany, assert herself and show her readiness to vindicate her right to reach her destiny.

That being the view of what is involved in this war the Independent Labour Party has no hesitation in saying that this is war which the Indian people in their own interest should support and help Great Britain to prosecute the same.

Empty Phrase

The Independent Labour party is aware that there is also a certain degree of hesitancy on the part of other political parties. But that hesitancy is not based on principle, but is based on considerations of tactics. They want to make England's need India's opportunity, The Muslim League and the Hindu Mahasabha want to exploit this 'hour of need' to have the Communal balance of power in the Indian Constitution rectified in their favour. It is unnecessary to consider this sectional attitude.

The more important section is the section which wants to make England's hour of need India's opportunity for emancipation. It is difficult to understand what is meant by 'India's opportunity.'

If it means that India can now by her own inherent strength successfully dictate her own terms to Britain then every one must admit that 'India's opportunity' is only an empty phrase which has no substance in it. The Gandhian method of civil disobedience is too exhausting and no one wants to have a second exercise in it.

If it means that this is an occasion for Indians to invite some enemy of Great Britain to emancipate them from British domination then it is the greatest snare. Knowing that there is every possibility of the guest remaining here and becoming the host of the Indians, no Indian whose power of judgment is not submerged beneath an excess of emotion could regard such a move as wise and prudent.

No New Masters, Please !

The Indenpendent Labour Party believes that as far as one can visualize the near future, keeping one's feet on the firm ground of practical politics, the best thing for India is to remain within the British Commonwealth of nations and strive to achieve the status of equal partnership therein.

A good long part of the road to that status has already been covered. The part that remains is comparatively shorter and is also within reach. To give up this advantage in the hope of being emancipated by some supposed friend of India would be an act of folly if not of political suicide for the nation. There is no knowing what would be the fate of India under a new master. No same Indian can advise his countrymen to enter upon a policy so speculative and so uncertain if not disastrous, in its consequences.

Britain's Duty to India

While it is in the interest of the Indian people to co-operate with Great Britain in this war with Germany, the British also must recognise that they owe certain duties to India the fulfilment of which cannot long be postponed.

The first and foremost duty of the British towards India is to take steps to prepare Indians to defend their country.

India is a country which is exposed to attack from all sides. Yet to-day India is a most defenceless country in the world. By itself it has no resources to withstand any attack from land, sea or air. For its defence it is largely if not wholly dependent upon the aid of the British Army, British Navy and British Air Force. In the Round Table conference it was agreed that the defence of India was to be treated as the responsibility of India and yet nothing so far has been done to give effect to that principle. Much has been talked about opening Military Colleges and Indianizing the Officers' grades. The Independent Labour Party is frankly of opinion that these are the least parts of this business of training Indians to defend their country.

The most important part of it is to introduce compulsory Military Service in India for all persons within certain ages without distinction as to caste, class or creed. Such a policy alone can succeed in training Indians for the defence of their Country.

The magnitude of India's manpower is beyond measure. If it is given the requisite military training it is capable of defending not only India but it is capable of defending the whole of the British Empire from any aggressor, no matter how strong. It is, therefore, astonishing that British Government should not think of training the manhood of India for national defence. It is astonishing that Government should call Indians to become combatants only when the war is won and allow them to lapse into unserviceable non-combatants as soon as the war is over.

Compulsory Military Training

Why is the British Government not prepared to keep the Indian people in trim from a military point of view in peace as in war is a question which is asked on all sides. There is a feeling that the reason why the British do not wish to introduce compulsory Military training is that they cannot trust Indians with military training. Steps must be taken to remove such a suspicion. The British if they wish Indians to help them and defend them must learn to trust Indians and divert them to the access of military training. Only trust can beget trust.

Similarly recruitment for the Standing Army must be open to all communities and the distinction between martial and non-martial classes must be done away with. Indianization of the officers' grade must be worked out sincerely and fairly.

At present only sons of the rich can get admission in Naval and Military schools not because they constitute the right sort of material but they have the money to meet the high cost of training. In other words, the monopolization of the higher grades in the military service by the rich and by some specially chosen communities must be abandoned with a view to inspire trust and confidence in the British Government.

India's Status Within Empire

The second duty of the British towards India is to reassure her of the status she is to occupy in the British Empire the reluctance of the British Parliament to embody in the preamble to the Government of India Act that India is ultimately to occupy the status of a Dominion has caused much heart-burning.

The faith of many in the British has received a rude shock by realization of the fact that Parliament should have refused to give formal sanction to the declaration in favour of Dominion Status in 1935 which was made informally but authoritatively by Lord Irwin in 1929. The British must see that the doubts of India on this point are removed as early as possible. India cannot willingly and heartily fight for principles if she is not assured that the benefit of these principles would be extended to her, when the war is won.

This explains the position of the Independent Labour Party. The Independent Labour Party supports the appeal made by His Excellency the Viceroy to India to help British in this war for the reasons given in this statement.

The Independent Labour Party agrees that this is no time for making conditions. At the same time the Independent Labour Party believes that the British as well as the Indian should know and understand what they are fighting for and what they expect of each other."[1]

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1. : Vividh Vritta; 17th September 1939.

9

WISDOM AND STATESMANSHIP WILL DAWN TO PREVENT INDIA FROM BEING DIVIDED INTO TWO PARTS

As per message received on 6th October 1939, Dr. B. R. Ambedkar had been invited to see His Excellency Viceroy on Monday, the 9th October 1939.[1] Accordingly His Excellency the Viceroy granted interview to Dr. Ambedkar on the 9th October 1939. In addition, Mr. V D. Sawarkar, Sir Mohammad Yakub were also granted interviews.[2]

Thereafter Dr. Ambedkar issued the statement:

New Delhi, October 10, 1939.

"The minorities problem will never be solved unless Mr. Gandhi and the Congress give up their egoistic and insolent attitude towards persons and parties outside the Congress. Patriotism is not a monopoly of Congressmen and persons holding divergent views to the Congress have a perfectly legitimate right to exist and be recognised," declared Dr. B. R. Ambedkar in a statement to the Associated Press prior to his departure for Bombay this morning.

Dr. Ambedkar, who came to Delhi yesterday, had a long interview with His Excellency the Viceroy. He is understood to have fully acquainted His Excellency with the viewpoint of his community *vis-a-vis* the constitutional advance of India. In this connection, Dr. Ambedkar stated that the working of the Poona Pact had been far from satisfactory. In the absence of multimember constituencies the real representatives of the Scheduled Classes were not returned to the legislature. He intended to raise this question at the next revision, which he anticipated would be earlier than originally planned. Unless some method of securing the representation of the real….. representatives of the Scheduled Classes was found, he was afraid he would have to insist on separate electorates for his community.

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1. : The Bombay Chronicle, dated 7th October 1939.
2. : The Bombay Chronicle, dated 10th October 1939.

Hindu-Muslim Problems

Referring to the Hindu-Muslim problem, Dr. Ambedkar said that he did not believe in the allegations that the Muslims were being tyrannized or terrorized in the Congress provinces. What the Muslims and the other minorities wanted today was a share in the Government of the country and a status of equality with governing classes. This was being denied by the Congress? which so far had refused to recognise any class or community outside its organisation.

Muslims, he said, had so far been wanting safeguards which meant that given the necessary protection they were prepared to live with the other communities. Today a demand had been raised to divide India into Hindu and Muslim India, and if this attitude was allowed to take hold of the masses, there was no hope of a united India. Today the solutions lay with fne Congress and' with the majority community, and what was required was large heartedness, statesmanship and the realisation of realities.

"Might Be too Late"

It might be too late tomorrow, said Dr. Ambedkar. The problem could be solved and must be solved. The problem was no longer that the minorities should be treated fairly and squarely. It was that the minorities must be made to feel that they were a part and parcel of the Government of the country. It had now become a question of dignity and self-respect.

Dr. Ambedkar concluded by saying that today he found it very difficult to dissuade his community from merging itself in some other larger community, but the continuance of the present attitude of the Congress might make his voice ineffective. The responsibility of driving away the Scheduled Classes to another fold would lie with the Congress. "I hope that wisdom and statesmanship will dawn on the Congress," he said, "in time to prevent India from being divided into two parts, and Scheduled Classes merging themselves with a powerful and influential minority."[1]

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1. : The Times of India, dated 11th October 1939.

10

VERY NEBULOUS PLAN

Dr. Ambedkar On Consultative Committee

Dr. B. R. Ambedkar, Leader of the Independent Labour Party has issued the following statement:—

At a meeting of the Executive Council of the Independent Labour Party held on the 21st October, under the Presidentship of Dr. B. R. Ambedkar, the following resolution was passed:—

The Executive Council of the Independent Labour Party confirms the statement issued on the situation arising out of the present war.

The Executive Council of the Party has taken into consideration the declaration made by H. E., the Viceroy on the 27th October.

In the opinion of the Council a better and a more satisfactory response with regards to the aspirations and demands of the people of India would have come from His Majesty's Government if the Congress had tried to bring about a unity between the different communities and sections in this country.

In view of the assurance given by H. E., the Viceroy that immediately after the close of the war His Majesty's Government will enter into consultations with representatives of communities, parties and interests, in framing modification in the Constitution of India and in view of the fact that His Majesty's Government have declared their adherence to Dominion Status as the goal of India and further in view of the fact that the development of the war may take such a turn that the question of defending India may become more important than the question of helping Great Britain the Executive Council feels that the present is not the proper occasion for withholding its co-operation from Great Britain.

In the opinion of the Council, however, the proposal regarding the formation of a Consultative Committee is unsatisfactory. Apart from the question that the proposed Committee will have no powers of any sort either to take

decisions of to give directions the Committee will be composed of a fluctuating body of people. The Council is of opinion that the panel system is the most objectionable feature of the proposal. Before, however, any final or considered view of the Party is expressed on the said proposal, it is necessary to have a detailed scheme with particular reference to the constitution, function, powers and scope of the proposed Committee.—A. P."[1]

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1. : The Bombay Chronicle, dated 24th October 1939.

11

WE CAN BE A NATION ONLY THROUGH SOCIAL AMALAGAMATION

Discussing the Congress and Muslim League View-point with a repesentation of their paper on monday the 5th February 1940 night, Dr. B. R. Ambedkar, Leader of the Independent Labour Party, said,

"I do not agree with Mr. Gandhi and the Congress when they say that India is a nation. I do not agree either with the foreign relations committee of the Muslim League when they say that Hindus and Muslims could not be welded together into a nation.

"My belief is" he continued "that we are not a nation. But my confident hope is that we can be a nation provided proper processes of social amalgamation are set forth."[1]

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1. : The Times of India, Tuesday, 6th February 1940 : Reprinted Khairmode, Vol, 9, P. 31

12

SUBHAS CHANDRA BOSE MEETS DR. B. R. AMBEDKAR.

At the time Subhas Bose, who was dethroned from the Congress Presidentship, was growing restless. He was trying to rally the Indian forces against the British power that was engaged in a life-and-death struggle in Europe. He came to Bombay and saw Jinnah, Ambedkar and Savarkar on July 22,1940.

Subhas Bose was deadly against the acceptance of the proposed Federation; and because Dr. Ambedkar was opposed to it he must have considered it a rallying point between them.

After their discussion on the issue of Federation, Dr. Ambedkar asked Subhas Bose whether he would put up his candidates in the elections against the Congress. He replied in the negative. Dr. Ambedkar then asked Subhas Bose what the positive attitude of his party would be to the problem of Untouchables. Bose had no convincing reply and the interview ended." [1]

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1. : Keer, P. 332.

13

MEANING OF THE CONGRESS DECISION

"Dr. Ambedkar on Mr. Gandhi's objections

To the Editor,
'The Times of India'

Sir, Two views are prevalent in Bombay about Mr. Gandhi's performance at the A. I. C. C. meeting held in Bombay.

One is that the performance of Mr. Gandhi was the cleverest something beyond the ken of ordinary mortal, and that by his performance Mr. Gandhi has avoided the turmoils of Civil Disobedience. To me both these views appear most astounding. That the public should form its views on such vital matters in such a fascile manner is a sad commentary upon his thinking capacity, especially of the Hindu public. I cannot see how Mr. Gandhi has by his project avoided Civil Disobedience. It is true Mr. Gandhi is asking for liberty to preach against the war, to tell people that they should not take part in the war or help it's furtherance either by supplying men or money. But what does this mean ? To my mind it means nothing else but Civil Disobediance of the Defence of India Act. How the Hindu public can interpret Mr. Gandhi's project as not amounting to Civil Disobedience is beyond my comprehension.

Very Baffling

What is, however, most baffling in the whole Situation is the audacity of Mr. Gandhi to call upon the Viceroy arid the absolute certainty of the Viceroy giving him an interview. A man with much less intelligence than Mr. Gandhi realise that nothing can be more riduculous than to go to the Viceroy to ask his permission to break the Defence of India Act. It cannot be beyond the knowledge of Mr. Gandhi that he is asking something far in excess of what has been conceded to conscientious objectors in England or America. All that conscientious objector has been given is that he will not be forced to join the combatant service He has not been given exemption from non-combatant service nor has he been given any liberty to preach against the war while war is going on. It cannot be beyond Mr. Gandhi to appereciate that while all

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Dr. AMBEDKAR'S PLAN TO SOLVE INDIAN CRISIS MUSLIM DEMAND CRITICISED

"General Chiang Kai-shek has made an appeal to the British Goverment to give the people of India, without waiting for any demands on their part, real political power as speedily as possible. But he has not given any solution of the difficulties which have come in the way of such a consummation," says Dr. B. R. Ambedkar in a statement to the Press.

The difficulty is caused by the Congress not accepting the fundamental feature of the August Declaration made by the Viceroy that the future constitution of India must have the consent of certain important elements in the national life of India. Equally, the difficulty is due to the British Government not realising what its responsibility is.

The Congress cannot expect any sane person who known anything about conditions in India to agree to the Government of the country being placed in the hands of the Hindus majority, simply because it is a majority. The Congress chooses to forget that Hinduism is a political ideology of the same character as the Fascist or Nazi ideology and is thoroughly anti-democratic. If Hinduism is let loose—which is what Hindu majority means—it will prove a menace to the growth of others who are outside Hinduism and are opposed to Hinduism. This is not the point of view of Muslims alone. It is also the point of view of the Depressed Classes and also of the Non-Brahmins.

Need To Share Power

The only antidote is to have a constitution in which political power is distributed among the various elements in the national life of British India. If India is to be made safe for democracy, some arrangement whereby power is shared directly—which is another name for checks and balances—shall have to be agreed upon before power is transferred from British to Indian hands. It is, therefore, quite proper for the British Government to tell Indians to produce an agreed solution of their constitutional differences before they demand any transfer of political power.

purpose. That the Congress is fighting for the cause of the country is humbug. The Congress is fighting to obtain the keys of power in its own hands. That the Congress is fighting for freedom of speech is equally humbug. The Defence of India Act has been in existence for one whole year. The toil it has taken is detailed by the recent report of the Civil Liberties Union. If Mr. Gandhi felt that the Defence of India Act had deprived the country of his liberty of speech, why did he not start his Civil Disobedience immediately after the Act was passed ? Why did he wait for a year ? Why this revolt after the Viceroy's statement that Government must now be carried on with the help of the representatives of the minorities and other parties in the country? There is no answer. The hardship caused by the Defence of India Act is only an excuse putforth by the Congress to clothe the torpedoing of the Viceroy's plans and to prevent the minorities and others from getting political power.

British Example

Such are the springs of Congress action. It may be good tactics and, if the Congress succeeds, it will provide additional proof that the British, having established a parliamentary system of Government will not risk being in the bad books of a party that is popular. But, is it statesmanship ? In this connection one is reminded of the action of Mr. Asquith in 1923. In the 1923 elections no—one party had a majority. The Conservatives had 255, Labour 191, and Liberals 158. As the Leader of the Liberals, three courses were open to Mr. Asquith : (i) to support the Conservatives; (ii) to support Labour; or (iii) to take office himself relying on Conservative support. Appeals were made to Mr. Asquith to enter into a compact with the tories and thereby prevent labour from getting office. But so far from being tempted by these suggestions Mr. Asquith was averse to any such plot. His reasons were first of all that it would be seriously harmful to the national interest and an incitement to class antagonism for the two middle-class parties to combine together to deprive Labour of an opportunity to rule. If Congress men deprive the minorities of their opportunity, they will, I hope realise that they are purchasing their victory at great cost. If they do not realise it now they will realise it when parties meet to revise the Constitution. By the action of

the Congress, two things have become abundantly clear. First, that British Parliamentary Government is unsuited in this country. Secondly, that anyone who leaves an important safeguard to a gentlemen's agreement for its guarantee will do so at his peril.

Dr. B. R. AMBEDKAR."[1]

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1. : The Times of India, dated 24th September 1940.

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But Mr. Amery thinks that there he can stop. Apart from the imputation which is attributed to him that he is only using the disagreement among Indian political parties as an excuse for with-holding the progress of India, it seems to me he entirely falls to understand his responsibilities. The British Government has not merely the right to call upon Indians to produce an agreed solution, but it has got the duty to settle the difference if Indians are not able to settle it themselves. The duty is cast upon the British Government by reason of the fact that the British Government denies to the Indian people one important final, and often the only means, of settling a constitutional deadlock. That means is no other than the means of war. Some will be shocked at this. But let no one forget that the English Revolution the French Revolution and the American Civil War are all instances when constitutional deadlocks had to be solved by war. The employment of this means, the British Government to the good of all interdicts. This means it must step in to decide a dispute which either by the recalcitrance or obstinacy of a party cannot be settled.

That being the case, the British Government cannot throw the responsibility of settting the constitutional difference on Indian shoulders as a final escape. It must recognise its ultimate responsibility in this matter. That being my view. I think it is possible for the British Government to make a declaration on the following lines:—

(1) That, it is proposed to raise India to the status of a dominion wihtin three years from the date of peace.

(2) That, for the speedy consummation of that end the elements in the national life of India will be required to produce and agreed solution of their constitutional difference within one year from the date of the signing of the armistice.

(3) That, failing agreement, the British Government would submit the dispute to an international tribunal for decision.

(4) That, when such a decision is given, the British Government shall undertake to give effect to it as part of the dominion constitution for India.

Such a declaration must satisfy all reasonable people. As far I am unable to see, it meets Mr. Jinnah's point of view and the point

of view of the Depressed Classes that there must be an agreed solution of the communal problem. It also meets the Congress point of view that no element in the national life of British India should be allowed the power to veto the birth of a dominion constitution. The argument that we are in the midst of the war is no argument against making the declaration. Indeed, it is an argument in favour of it.

The war effort depends on three things :—(1) Sense of urgency; (2) appreciation of the purpose of the war ; and (3) a concrete conception of how we expect to win the war—the need for a realistic and convincing plan. The entry of Japan in the war has brought to the Indians the required sense of urgency; at any rate, to those who think that working to save ourselves from immediate destruction is more important than the ultimate goal. The appreciation of the purpose of the war is wanting and a declaration by the British Government to withdraw its authority in favour of the Indian people will bring about that appreciation.

Should the declaration be accompanied by a National Government ? It would be better if it could be done. But Mr. Jinnah is making two demands. One is ultimate, namely Pakistan. The other is immediate, namely 50 per cent, representation in the Cabinet. I can quite understand the demand for Pakistan. When Mr. Jinnah says that the Muslims are a nation. I feel no reason to quarrel. When Mr. Jinnah says the Muslims must have Pakistan because they are a nation. I say, have it if you do not thereby run away with a large belt of the Hindu population who on your own theory, are of a different nationality.

With regard to Pakistan, I feel like pointing out that Mr. Jinnah seems to be counting his chickens before they are hatched and reckoning without the host. The N. W. F. is the integral part of this Pakistan. Mr. Jinnah must admit that he is not the host of the N. W. F. The host is Khan Abdul Gaffar Khan. Without his consent, there could be no Pakistan. Rather than carry on whirlwind propaganda in favour of Pakistan, Mr. Jinnah should spend his time and energy in converting Khan Abdul Gaffar Khan. That is, however, a matter for Mr. Jinnah to consider.

Pakistan Demand

As I said, I can understand Pakistan. But I cannot understand this demand for 50 per cent, representation for the Muslim community. Nor can I see how this immediate demand of 50 per cent is related to the ultimate demand of Pakistan. I am sure this demand of the Muslim League is a monstrous thing, and I have no doubt that Lord Linlithgow has done the greatest service to India by puting it down. I am definitely of opinion that no National Government ought to be established in India as an interim measure if it means conceding to Mr. Jinnah his claim for 50 per cent representation. After all, I cannot believe that the national Government can do more in the matter of war effort than what is being done.

India simply cannot do more. Her capacity has not been developed. The fault lies entirely with the British Government. They chose not to develop the resources of India in peace time, and it is therefore impossible for the Government or the National Government to do more than what is being done. If she had been fully developed, she could have defended the Empire. She cannot now defend herself. She must. Indeed, she is compelled to look to England to defend her from the impending Japanese invasion; such is her helpless condition.

The appointment of an Indian as Defence Member may be good but is that enough ? Without the means of defence at his disposal, what an Indian Defence Minister can do it is difficult to understand. I should have thought that the wiser course for Indian would be to ask England to sent out to India the means of defence which she is hoarding for her own safety. Therein lies the immediate interest of India and therein also lies the duty of England." A. P. [1]

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1. : The Times of India : February 27, 1942.

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INDIANS DESTINY IS BOUND UP WITH THE VICTORY OF DEMOCRACY

"No one can expect consistency from Mr. Gandhi. But everybody did and had a right to expect a sense of responsibility from him. There can be no doubt that, Mr. Gandhi's present move to launch a mass movement is both irresponsible and insane," observed the Hon. Dr. B. R. Ambedkar, Labour Member, Government of India, to a representative of "The Times of India," prior to his departure to Delhi on Monday evening.*

Why does Mr. Gandhi not try the other method, namely, bringing about unity among all parties ? Why does he not call a conference of leaders of all the different parties to find out their demands and settle if there is any dispute?"

These questions were asked by Dr. Ambedkar. He added : "Duty requires that those who do not believe in Mr. Gandhi's movement must take steps to prevent his threatened action from taking shape."

"It is difficult to understand why Mr. Gandhi should think it necessary to enter upon so hazardous a plan of action at so perilous a time in the history of India, Dr. Ambedkar said.—

"To me some points are quite clear. As to India's reaching its political goal, no one can deny that the transfer of power from the British to the hands of Indians has been continuous and of late rapid—except those who affect a certain degree of passion for independence. Barring such passionate patriots, it can be said without exaggeration that the British *vis-a-vis* Indians are in the last ditch. That the British do not wish to enterench themselves in the last ditch and prevent the political advancement of India to its final goal is equally clear. If any proof was necessary, the Cripps Proposals are there. They conceded Independence and Constituent Assembly both of which have been the demands which the Congress has been making.

After the Cripps Proposals it is hard to believe Mr. Gandhi when he says that the British do not intend to transfer power to the hands of Indians. It is a positive and deliberate untruth.

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*The 27th July, 1942.

"That the Cripps Proposal have fallen through does not, to my mind, affect the fact that the British Government are committed to independence if Indians prefer it to Domminion Status.

Short-Sighted View

"One does not know what led the Congress to reject the Cripps Proposals even when they conceded Independence and Constituent Assembly. If the failure to transfer defence be the reason for starting a mass movement, I am sure very few will accept the soundness of so short-sighted view. In the first place the Congress claimed from the British only a declaration of their war aims and did not claim their implementation during the war. Secondly, there is no Indian politician so far as I know, competent to run the technical and military side of the Defence department. Indians have neglected to study this subject. In these circumstances, it is foolish to ask for Indian control of defence; for, such control when in the hands of an ignorant person can only be nominal. Thirdly, when all departments were transferred, as was contemplated by the Cripps Proposals, it was childish to quarrel over the non-transfer of the Defence Department. Any man with commonsense would know that the reserved department could not have held out on matters insisted upon by the transferred departments if they are necessary and reasonable. This is what had happened to the special powers of the Governors when the Congress took office in 1937. It is surprising that the Congress should have forgotten its own experience in this matter.

"I am clearly of the opinion that the Congress deserves on sympathy in this move for causing disorder. It has rejected the best opportunity it was given to serve the country. Looking at it from this point of view, I cannot see how this move, proposed to be taken by Mr. Gandhi, can be held to be in the interests of the country.

"It seems to me that Mr. Gandhi is merely trying to retrieve the prestige which he and the Congress have lost since the war started.

"The Congress can live with prestige in either of two ways. It can live by the glamour of direct action or it can live by the partronage which office gives. Mr. Gandhi compelled the Congress to give up office and he refused to be a party to direct action. The slump

caused in the Congress prestige by this do nothing, policy of Mr. Gandhi has been disastrous to Mr. Gandhi and to the Congress and this desperate game of Mr. Gandhi is intended to retrieve his position and to die covered with glory.

"This move may be the best way to serve the best interests of the Congress party. But it certainly is not the way to serve the country. At this juncture such a move is fraught with the greatest mischief and is sure to result in the greatest harm to the country.

"There are two ways open to the Congress party to further the political advancement of this country ; direct action by the Congress and united demand by all parties representing the different elements in the national life of the country. Mr. Gandhi and the Congress are very keen about the first. It is a stock plan. Except Mr. Gandhi, everyone knows that beyond a certain limit it is worse than useless and even when it succeeds because the British Government, unlike the Nazi Government are not addicted to the use of brute force and do not use unmoral means to suppress a moral cause. Mr. Gandhi will not admit it. That is only because he fortunately has no experince as to how the Nazis will deal with his mass Civil Disobedience. No doubt the Nazis will give Mr. Gandhi a very short shrift and prove that his plan of direct action can be put out of action at the very start.

Unity among Parties

"The question that agitates my mind is this : Why does Mr. Gandhi resort to his method of direct action carried on single-handed by the Congress when it is proved to be so inefficacious ? Why does he not try the other method, namely bringing about unity among all parties ? Why does Mr. Gandhi not call a conference of all leaders of the different parties to find out their demands and to settle if there is any dispute about them. This is a way worth trying. It is also a way of statesmanship and a way which will bring enduring peace among the communities. But Mr. Gandhi has never made such an attempt and I have never been able to understand his reasons for avoiding this way of solving the problem. To say that no settlement can take place while the British are there can, to my mind, mean only two things : that the leaders of the minority communities are tools in the hands of the British or that the Congress thinks it would be better to talk of communal settlement after the British

Government have withdrawn because the Congress than in charge of law and order will be in a better position to dictate to the minorities and force a settlement on its own terms. If it means the first, then it is a vile and wanton aspersion on the character of, the leaders of the minority communities. The Congress must drop this selfrighteous attitude and admit that even those who differ from it are as good patriots, if not better, Settlement of the communal problem, is, I am sure, rendered more difficult by such stupid and baseless allegations which the Congress and its Press have persistently indulging in against the leaders of the minority communities. If it means the second, then there is no doubt that the move is a deceitful one. In either case, it proclaims the bankruptcy of statesmanship on the part of Mr. Gandhi.

"Mr. Gandhi has not realised one thing which the sooner he realises the better. His most advertised political virtues were to bring about-Hindu-Muslim unity and to serve the Untouchables.

"After 20 years, neither the Muslims nor the Untouchables trust Mr. Gandhi. This is the greatest tragedy in his life.

"The sooner he realises this, the better. Even now Mr. Gandhi can call the leaders of the minorities for consultation. There is no use saying that they are making impossible demands : for, it is always open to Mr. Gandhi to call upon them to agree to refer the matter to international arbitration.

"The general public has no cause to support Mr. Gandhi in this move which is quite uncalled for. The minorties have no reason to join Mr. Gandhi for, he refuses to give them an assurance as to their safety and security under the new constitution in terms which are explicit and in a spirity which has all the hallmark of sincerity.

"We are living in such perilous times that our duty cannot end in merely expressing our disagreement with Mr. Gandhi. Duty requires that those who do not believe in his movement must take steps to prevent it from taking shape. In the C. D. movement of 1930, the Muslims and the Depressed Classes, although they did not participate in it, had observed a kind of benevolent neutrality towards it. The situation in 1930 was very different from what it is now. In the 1930 movement, there were only two possibilities. Either political power would have remained with the

British or it would have devolved upon Indians. There was no possibility of Japan or Germany stepping in and making itself the master of India. The possibility is now staring us in the face. It would be madness to weaken law and order at a time when the barbarians are at our gates, intending not merely to defeat the British but to enslave us for ever. There, in my mind, lies the great difference between the C. D. Movement of 1930 and the mass movement now threatened by Mr. Gandhi.

False Claim

"The Congress and Mr. Gandhi have been arrogating to themselves the right to speak in the name of the country. It is a false claim but nobody has cared to challenge it. That is because of the feeling that so long as the Congress was doing no harm to the interests of the country it was a matter of small moment whether it claimed to speak in the name of the nation or in the name of the party which it is. But when the Congress, being only a party, proposes to launch upon a policy which puts the safety, security and even the possibility of the independence of the country in jeopardy, it becomes the duty to other parties to drop the attitude of benevolent neutrality and oppose the Congress when it is throwing the country in chaos and inviting certain frustration of the realisation of the political destiny of this country which is so near at hand. I wish Indians to realise two things : first, that their destiny is bound up with the victory of democracy against Nazism and second, that once democracy wins nothing in the world can stop India to gain her freedom if Indians take care to unite themselves. I am sure Mr. Gandhi's move is quite uncalled for.

"If democracy wins, no one can stand in the way of India's freedom. The supreme task of Indians at the moment is to see that democracy wins. It is not out of love for principle that they should do so. It is our country's future that requires us to do it as our duty. Mr. Gandhi is an old man in a hurry. Indians should be careful not to do anything in a hurry which they will have to regret in leisure."

Dr. Ambedkar left Bombay on Monday night for New Delhi by the Frontier Mail. At Bombay Central, he was given a hearty send-off by nearly 400 persons, representing the Scheduled Classes, the Independent Labour Party, the Municipal Kamgar Sangh and various other organisations, and several personal friends and admirers."[1]

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1. : The Times of India, dated 28th July 1942.

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HOW TO END INDIAN POLITICAL IMPASSE

"A plan for ending the political deadlock in India which would, at the same time, solve the knotty problems raised by the Pakistan issue and pave the way for the formation of a national government during the war was adumbrated by the Hon. Dr. B. R. Ambedkar, Labour Member, Government of India, in an interview to a representative of *Tire Times of India,* at Bombay, on Wednesday.*

"The Pakistan issue, he said, must be regarded as a preliminary issue. No steps can be taken for the framing of a constitution unless this issue is settled one way on the other. We have, hitherto, depended upon the leaders—Mr. Gandhi and Mr. Jinnah—to come to terms on this question, but they have failed. It seems to me now that the time has come when the decision of this issue must be taken by the people.

"I do not think Pakistan is an issue which the British Government can solve. It would not be right to ask them to do it, nor would it be justifiable for them to give a decision on it. The Pakistan issue is one of self-determination, and, as such, can be decided only by the people affected by it. If this position is accepted, it seems that an Act would have to be passed by Parliament called' The Indian Constitution Preliminary Provisions Act.'

Referendum of Muslims

In that Act provisions should be made for the following points:—

(*a*) a referendum of Muslims in the Pakistan areas exclusively to determine whether they want severnce of the predominantly Muslim areas from the rest of India; *(b)* a separate referendum exclusively of non-Muslims in Pakistan areas to determine whether they prefer to go into Pakistan or desire to remain in Hindustan; *(c)* if Non-Muslims decide by a majority not to go into Pakistan, a boundary commission to be setup to demarcate those districts in which Muslims predominate and those in which Non-Muslims predominate.

* The 12th May 1943.

A schedule should be prepared consisting of a list of the districts set apart by the boundary commission as being predominantly Muslim districts. This should be called the scheduled districts schedule.

After this is done, the next step is to permit the Muslims to decide by a referendum on one of the following alternatives:—

To consent to allow the scheduled districts to remain part of a united India for period of ten years at the end of which they may be permitted to sever the scheduled districts and to establish Pakistan; or to decide that the Scheduled districts be forthwith constitued into a separate state of Pakistan, and to permit the State of Pakistan, ant to permit the State of Pakistan to be amalgamated with Hindustan on a referendum to be taken after ten years on terms agreed upon by Pakistan and Hindustan.

Council of India

In case the Muslims should decide to have Pakistan forthwith there may be established a council of India having equal representatives from Hindustan and Pakistan to discuss matters of common concern. This Council will be dissolved, if, after ten years, the Pakistan State decides to amalgamate with Hindustan."

Dr. Ambedkar emphasised that the passing of the Act suggested by him need not be followed up immediately by a referendum. It could be taken after the war. The passing of the Act would have, in his view, a salutary effect on Hindus and Muslims, because both of them would know that whatever constitution came into existence, it would have the consent of the people. If matters could be brought to such a state, it would pave the way for the formation of a National Government during the war.

"I cannot see," Dr. Ambedkar concluded, "how a statute like this can be avoided. It shall have to be passed in any case, now or after peace, but necessarily before constitution making is taken in hand. So far as the first referendum is concerned it should be made dependent upon Muslims of legislatures of Pakistan provinces passing a resolution demanding separation."[1]

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1. : The Times of India, dated 13th May 1943.

17

JINNAH'S FEARS WILL HAVE TO BE ALLAYED

New Delhi, July 12, 1944.

"Welcoming the Rajagopalachari formula, as a sign of" Return to Sanity "Dr. B. R. Ambedkar, Labour Member, Government of India, in a Press interview said he nevertheless preferred his own scheme outlined in 1943, under which Pakistan would be tried as an experiment for ten years and if at the end of that period Mussalmans in Pakistan decided to amalgamate with Hindustan, they should be free to do so.

His scheme further contemplated an Act of the British Parliament, the setting up of a delimitation commission, and the holding of two plebiscites, first of Mussalmans to determine whether they wanted partition and second of Non-Muslims, to decide whether they would prefer to stay in Pakistan or go out of it.

Boundary Commission

If Non-Muslims decided to be in Pakistan, then the boundaries of Pakistan would be the present provincial boundaries, while if Non-Muslims declared themselves opposed to staying in Pakistan, a Boundary Commission would be set up to demarcate the predominantly Muslim district from predominantly Non-Muslim districts.

Dr. Ambedkar, however, welcomed Gandhiji's acceptance of the principle of the self-determination, but felt that it would have been much better if the offer was made by him and it would also have been better if the offer was unconditional and not subject to conditions such as joining in the demand for independence and for the establishment of full National Government.

Jinnah's Fears

Dr. Ambedkar could not see on what grounds Mr. Jinnah could turn down the offer. The fact that in a plebiscite Hindus might influence Muslims to secure their votes against Pakistan might be Mr. Jinnah's ground for rejection of the offer. But plebiscite was the only way in which a problem of this kind could be decided. Dr. Ambedkar knows of no case in history in which such a problem was decided without a plebiscite.

Will Congress Buy Off Muslims ?

"There are risks in a plebiscite," Dr. Ambedkar conceded, "but such risks Mr. Jinnah will have to take. Sincerity behind the offer is more important than the offer itself. Mr. Jinnah may well feel disinclined to accept the offer, knowing that Mr. Rajagopalachari and the Congress may have made it purely, as a matter of fact, to put him in the wrong and may simultaneously with the making of the offer have devised ways and means of buying the votes of Muslims. Mr. Jinnah may well ask Mr. Rajagopalachari if there was any truth in the disclosures made in his defamation case about his intention to offer Pakistan to Muslims and then to circumvent it by purchasing Muslims in Pakistan to negative the offer.

"Gandhiji will have to prove his sincerity behind the offer and also guarantee that Hindus would not prevent Muslims from giving free vote." [1]

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1. : Free Press of India dated 13th July 1944.

18

FIRST PROPOSAL ON CENTRAL IRRIGATION AND WATERWAYS ADVISORY BOARD

"The Labour Department formed an opinion that it would be preferable to create a Central Irrigation and Waterways Advisory Board. We want a Board constantly in being and having the necessary authority. Our idea of this Board could be that it should be composed as follows :

Chairman:—Waterways and Irrigation Commissioner to the Government of India. This officer would have to have experience of India and should therefore be a senior officer of the Indian Service of Engineers. He would have required knowledge both of waterways and irrigation, but the strength of the Board as an advisory body would be the collective strength of the Board and not the individual strength of the Chairman. (He would, however, in his individual capacity supervise the working of the Indian Waterways Research Institution.)

Members:—There would be 3 permanent members: 1. Waterways member 2. Irrigation member 3. Hydro-Electric member.

There would also be part-time members—e.g. the Chief Engineers of any Provinces when any matter concerning the Provinces was under consideration, the Agricultural Advisor to the Government of India when any agricultural matters were under consideration. Power would also be given to co-opt members for particular matters.

Note : This constitution leaves the Board without a member for gravity irrigation but it is probable that the Chairman would always have this knowledge.

The responsibilities of the Central Irrigation and Waterways Board would be :

1. A general responsibility for initiating, co-ordinating and pressing forward schemes of river and waterways control with a view to

(a) prevention of floods ;

(b) prevention of erosion ;

(c) prevention of waterlogging ;

(d) control of water for irrigation purposes;

(e) control of water for power purposes ;

(f) utilisation by cheap power provision of sub-soil water for irrigation ;

(g) dewatering by use of electric power of waterlogged areas ;

(h) regulation of flow of water for navigation purposes.

2. Preparation in consultation with Provincial Governments of water control schemes for all major waterways and preparation of project reports.

3. Organisation of procurement of statistical information regarding waterways, and organisation and control of subsoil water surveys.

4. Advice to the Government of India on the principles that should be laid down to govern the settlement of disputes between Provinces.

The Board would further require Consulting Engineers on such matters as—

(i) Dam construction;

(ii) Barrage construction.

H. C. Prior
Secretary
31.8.44

I agree. The only remark I have to make is whether it would not cause considerable delay if we were to consult the Provinces now. Can we not consult them at a later stage ?

B. R. Ambedkar
9.9.1944" [1]

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1. : Thorat, Pp. 150-151

19

BOTH ARE MAKING SERIOUS MISTAKE

"A large gathering of his followers and admirers was present at the Victoria Terminus to accord a reception to the Hon. Dr. Bhimrao R. Ambedkar, Labour Member, in the Viceroy's Executive Council, on his arrival by the Poona Express on Tuesday evening.*

Upon alighting on the platform Dr. Ambedkar was profusely garlanded by representatives of several Scheduled Castes and other Associations.

A Procession was then taken out in his honour which wended its way from the Station to Rajgrah at Dadar." [1]

"The Hon. Dr. B. R. Ambedkar, in an interview with a Representative of *The Times of India* on Wednesday,** stated that nothing but failure was expected of the Gandhi-Jinnah talks. "They did not meet each other, he said," with empty minds, but it is equally true that neither had an open mind."

The failure, in the opinion of Dr. Ambedkar, was due to among other causes, the obstinacy of both Mr. Gandhi and Mr. Jinnah, and the fundamental faults of the formula of Mr. Rajagopalachari. He added that no settlement of the Indian question could be considered complete without the consent of the Scheduled Castes. Neither Mr. Gandhi nor Mr. Jinnah was entitled to speak for them.

"I cannot believe," observed Dr. Ambedkar in his interview, "that Mr. Gandhi and Mr. Jinnah met to bring about a communal settlement. The adoption of Gujerati by Mr. Gandhi as a medium of communication with Mr. Jinnah when he asked for an interview was enough to make me feel that the talks would fail. Mr. Jinnah was too elated by the receipt of the letter to understand its implication. By writing it Gujerati, Mr. Gandhi, in his inimitable way, told Mr. Jinnah that he was only a Lohana, whose mother-tongue was Gujerati.

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* The 3rd October 1944.

** The 4th October 1944.

1. : The Bombay Chronicle : dated 4th October 1944.

Similarly, Mr. Jinnah knew that the formula of Mr. Rajagopalachari was different from the Lahore resolution of the Muslim League. Mr. Jinnah knew that Mr. Gandhi was seeing him in his personal capacity. Mr. Jinnah also knew that Mr. Gandhi was not going to him as a representative of Hindus. All these circumstances were quite contrary to the conditions upon which Mr. Jinnah was insisting before his debacle in Lahore.

Leaders' Obstinacy

"Failure was inevitable. If it was inevitable because of the obstinacy of the two men, it was also inevitable because of the fundamental faults in the C. R. formula. The formula is bad because it tied up the communal question with the political question. No political settlement, no communal settlement on which the formula proceeds. The formula did not offer a solution. It invited Mr. Jinnah to enter into a deal. It was a bargain—"If you help us in getting independence, we shall be glad to consider your proposal for Pakistan."

"The second fault in the C. R. formula relates to the machinery for giving effect to any agreement that may be arrived at. The agency suggested in the C. R. formula is the provisional Government.

"By consenting to the establishment of a provisional Government, the Muslim League would have executed its promise to help the Congress to win independence. But the promise of the Congress to bring about Pakistan would remain executory. Mr. Jinnah, who insists, and quite rightly, that the promises should be concurrent, could never be expected to agree to place himself in such a position.

"The second difficulty which Mr. Rajagopalachari has overlooked is what would happen if the provisional Government failed to give effect to the Hindu part of the agreement. Who is to enforce it? The provisional Government is to be a sovereign government; not subject to any superior authority. If it was unwilling to give effect to the agreement the only sanction open to the Muslims would be rebellion. To make the provisional Government the agency for forging a new Constitution for bringing about Pakistan nobody will accept. It is a snare and not a solution. The only way of bringing about constitutional changes will be through an Act of

Parliament embodying provisions agreed upon by the important elements in the national life of British India. There is no other way.

"There is a third fault in the C. R. formula. It relates to the provision for a treaty between Pakistan and Hindustan to safeguard what are called matters of common interest such as defence, foreign affairs and customs. Here again Mr. Rajagopalachari does not seem to be aware of obvious difficulties.

"One does not mind very much that the talks failed. What one feels sorry for is that the talks failed without giving us a clear idea of some of the questions about which Mr. Jinnah has been observing some discreet silence in his public utterances, though he has been quite outspoken in his private talks.

Questions to be clarified

"These questions are :—

(1) Is Pakistan to be conceded because of the resolution of the Muslim League ?

(2) Are the Muslims, as distinguished from the Muslim League, to have no say in the matter ?

(3) What will be the boundaries of Pakistan ? Whether the boundaries will be the present administrative boundaries of the Punjab and Bengal or whether the boundaries of Pakistan will be ethnological boundaries ?

(4) What do the words subject to such territorial adjustments as may be necessary which occur in the Lahore resolution mean ? What were the territorial adjustments the League had in mind?

(5) What does the word 'finally' which occurs in the last part of the Lahore resolution mean ? Did the league contemplate a transition period in which Pakistan will not be an independent and sovereign State ?

(6) If Mr. Jinnah's proposal is that the boundaries of eastern and western Pakistan are to be the present administrative boundaries, will he allow the Scheduled Castes, or, if I may say so, the Non-Muslims in the Punjab and Bengal to determine by a plebiscite whether they wish to be included in Mr. Jinnah's Pakistan, and

whether Mr. Jinnah would be prepared to abide by the results of the plebiscite of the Non-Muslims elements in the Punjab and Bengal ?

(7) Does Mr. Jinnah want a corridor running through the U. P. and Bihar to connect up Eastern Pakistan to Western Pakistan ? It would have been a great gain if straight questions had been put to Mr. Jinnah and unequivocal answers obtained."

After stating that the question of Pakistan was not an academic one and that discussion on it would have to be resumed. Dr. Ambedkar said : "the correspondence that passed between Mr. Gandhi and Mr. Jinnah suggests that Mr. Gandhi and Mr. Jinnah regard the Hindus and the Muslims as two necessary and proper parties to an agreement about Pakistan. It also suggests that Mr. Jinnah wants to have Pakistan with the provincial boundaries as they are and that without giving any say to the Non-Muslims in the Pakistan areas.

"I am bound to state that in proceeding on these assumption both Mr. Gandhi and Mr. Jinnah are making a serious mistake. Besides the Hindus and Muslims, the Seheduled Castes are a third necessary party. They are a necessary party to the dispute. Mr. Gandhi, nor the Congress, nor the Hindu Mahasabha is entitled to speak for them. Mr. Jinnah must know that he cannot be allowed to walk away with so large a population of the Scheduled Castes without their consent.

"As I am concerned in the question of Pakistan I must state my position that the Seheduled Castes could not be allowed to be included in Pakistan without their express consent either in the western zone or in the eastern zone, that consent being given expressly and in most positive terms such as a free referendum of their own."[1]

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1. : The Times of India : dated 5th October, 1944.

20

SAPRU IN THE WRONG

New Delhi, December 31st, 1944.

"Dr. B. R. Ambedkar in a statement in reply to Sir Tej Bahadur Sapru's reference to the question of Scheduled Castes co-operation with the Conciliation Committee says:—

"I cannot help being surprised that Sir Tej Bahadur Sapru seems to make a grievence of the fact that I refused to co-operate with this Committee. I should think that if anybody has a grievance, it is myself and not SirTej Bahadur Sapru.

"I have no doubt that in going about his business he started at the wrong end. If he wanted the different parties to the communal dispute to agree to appear before the Committee, it was not only desirable but necessary that, before finalising the personnel of the committees, he should have, in fairness show the list of the names to the leaders of the parties concerned and invited them to say whether they had any objections to those names. Instead of doing that, he first decides the personnel at his own sweet will and present the parties with a ' *fait accompli*,' leaving them to accept or reject it. To say the least of it, it is a very unfair, if not preposterous, way of appointing a Committee and expecting people to repose confidence in it.

Names Not Submitted

"When Sir Tej Bahadur Sapru approached me, he never gave me an inkling as to the sort of persons he was going to have in the Committee. We discussed only the general issue, namely, whether it was not desirable for an impartial body of people to consider the different demands put forward by different communities and to evaluate them and state which of those demands were reasonable and which were not. I certainly did expect that after that Sir Tej Bahadur Sapru would let me have the names of persons he intended to put on the Committee. He never did that.

"In these circumstances, if I told Sir Tej Bahadur, I was not satisfied with the personnal of the Committee and, therefore, I could not undertake to co-operate with it. I do not think I am in the wrong.

Simon Parallel

"Sir Tej, at any rate, cannot say that my attitude is unresponsible. Everybody knows how in 1929 Sir Tej himself took the lead in opposing and non-co-operating with the Simon Commission on the ground that the personnel of that Commission was not in accordance with the general sentiments of the people of this country.

"Sir Tej Bahadur Sapru while he mentioned the fact that I had declined to co-operate, did not mention the other portion of my letter in which I have stated that if he was prepared to reconstitute his Committee so as to give me satisfaction, I was still prepared to co-operate with him. Evidently, he thinks he can get on with the Committee by examining the literature and resolutions issued by the different communities setting out their demands and getting a miscellaneous crowd from the various communities to co-operate with him. He is, of course, welcome to do that. All I want to say is this, that he has made a grievance against me for which, I have no doubt there is no cause, and if there is a cause for it, he is solely responsible for it."—A. P."[1]

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1. : The Free Press of India, dated 1st January 1945.

21

CONTROL AND UTILISE THE MAHANADI TO THE BEST ADVANTAGE

LETTER BY DR. AMBEDKAR, CABINET MEMBER, LABOUR REGARDING HIRAKUND DAM

Letter by Dr. Ambedkar,

Department of Labour

Dear Lord Wavell,

Would you refer to paragraph 2 of your letter of the 20th January? I have had this matter examined by my Department in consultation with Finance Department. Khosla has reported that the Sambalpur Dam must definitely form part of the Mahanadi Scheme, that the geological report is satisfactory but that he is not yet able to estimate the cost or the revenue accruing from either the dam or the scheme as whole. He considers, however that it is so certain that the Sambalpur Dam will form part of the Mahanadi Scheme that it is quite legitimate to lay the foundation stone in March. The Finance Member is all in favour of schemes of this sort and does not consider that the laying of the foundation stone will involve any specific commitments though he considers—as I do—that if a decision to lay a foundation stone is taken we can authorise the Governor to state that the Government are determined to control and utilise the Mahanadi to the best advantage of the country and that in this matter the Provincial Government hopes to receive all reasonable support from, the Central Government provided that the project plans now under preliminary preparation show, as is expected that it is worth while to go on with the scheme,

In your letter you have said that we might perhaps aim at a decision early enough to enable Lewis to lay the foundation stone before he hands over charge. I think the only decision we can take is that we will assist Orissa in carrying forward the Mahanadi Scheme subject to the proviso indicated above. I think that this decision justifies us in going ahead with laying a foundation stone provided that with this assurance the Governor himself is prepared to do so from the Orissa angle.

My Department has shown this letter to Finance Department who agree with it.

Yours Sincerely,
B. R. Ambedkar
Member Labour
February 1946"[1]

His Excellency

the Right Honourable Viscount Wavell.

Dr. Ambedkar's this letter was in response to following letter by Viceroy Viscount WAVELL.

The Viceroy's House
20th January 1946

Dear Dr. Ambedkar,

It is very satisfactory that Madras and Orissa have been able to come to terms about the Machkund case. I have telegraphed to both the Governors asking them to see that the agreement is confirmed as soon as possible.

I understand from Menon that in the course of negotiations the desirability of making an early start with the Mahanadi scheme by the contruction of a dam at Sambalpur was mentioned. Orissa is a very poor and backward Province, and if it is technically sound to construct the Sambalpur Dam—a point on which I think we should be able to satisfy ourselves at once—I hope we shall be able, subject to Rowlands agreement, to go ahead almost immediately. You know my interest in water control and irrigation, and I should like to be kept in touch with progress. Perhaps we could aim at a decision early enough (if we decided to go ahead) to enable Lewis to lay the foundation stone before he hands over charge on the 31st March.

Yours sincerely,
Wavell

The Hon'ble
Dr. B. R. Ambedkar

1 Thorat, Pp 172-174.

22

WE MUST WORK IN INDIA FOR CREATING CO-OPERATIVE SPIRIT AMONG ALL PARTIES

"London, October 22, 1946. (Reuter)

In the course of an interview to Reuter's Correspondent on the Indian constitutional situation, Dr. Ambedkar said :

"It is quite definite that they are not friends, they are not even allies." He added, "We know people who are allies though not friends, but the Muslim League and the Congress Party have gone into the Provisional Government as adversaries. What can we expect ? One can hardly call that a coalition. It is really, in a sense, Government of one country by two nations"

Dr. Ambedkar said that this was not the time for party Government in India. "We are practically in the midst of a Civil war", he asserted. "You may not like to call it a civil war, but that is the spirit behind it. At this time there should be a real coalition Government consisting of all parties at the Centre just as you in Britain had during the war.

I think the coming ten years are so critical in the destiny of India that unless all parties work together we will not be able to put the country any way you like."

"We must remember that we shall have to create such a feeling in India," continued Dr. Ambedkar.

"Hereafter, there will be no such thing in India as section 93 of the Government of India Act of 1935. Section 93 was really a Constitutional brake upon anarchy, however, much it was hated by the people." Dr. Ambedkar said and added : "There will be no British troops. It is in the light of these circumstances that we must work in India for the purpose of creating that co-operative spirit among all parties and people that alone can help us in future."

Dr. Ambedkar confessed himself unhappy both about the present and the future. "After all," he asked, "What had we achieved and what is it that the future has in prospect?—two nations dividing the country geographically into three fragments."

"Which way does hope lie?" I asked Dr. Ambedkar.

"I have no idea," he answered, "but if I had arranged matters I would have proposed reintroduction of the Government of India Act of 1935."

"That Act," he said "presupposed a United India and it might have altered the communal part of the situation in a manner that would have given a greater protection to certain minorities who felt they did not have enough protection."

"Then I would have said, work for the United Constitution for ten years. At the end of ten years, have a Constituent Assembly and divide country any way you like."

"If the British had done that," declared Dr. Ambedkar, "they could have said our greatest achievement has been the unity of India, and although we have made many mistakes and done many wrongs, the unity we have achieved has more than compensated for the wrongs and errors of 150 years and we intended to handover the inheritance intact."

"I have come over on a political mission to see Prime Minister Clement Atlee, Mr. Winston Churchill, and others," Dr. Ambedkar said, " I want to put my point of view with what success I cannot say, as to the injustice the Cabinet Mission and the Labour Party have done to the Scheduled Castes. I think personally the Cabinet Mission was misinformed."

Now, concluded Dr. Ambedkar, "in the reconstituted Indian Provisional Government, we have the Labour Government instead of allowing the Scheduled Castes to be nursed by their own mother that is by having two representatives in the Cabinet appointed two wet-nurses in shape of Mr. Jinnah and Mr. Gandhi."

Dr. Ambedkar is having a memorandum printed setting out the case for the Scheduled Castes and will wait until this is ready before approaching political leaders."[1]

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1. : The Bombay Chronicle, dated 24th October 1946.

23

UNLESS THESE POINTS WERE CLEARED NO LEAD ON PARTITION ISSUE

New Delhi, April 27, 1947.

Dr. B. R. Ambedkar, President of the Scheduled Castes Federation, in an interview here today, said that the Federation had not come to any conclusion on the question of the partition of Bengal and the Punjab nor had it any desire to prejudge the issue.

If the Hindus wanted partition, he said, they would have to satisfy the Scheduled Castes on the following points :—

Firstly, what protection are the Hindus prepared to offer to the Scheduled Castes under the new Constitution as against what the Muslim League would be ready to offer? Secondly, where will the boundary line be drawn? Thirdly, will there be provision for an exchange of population? And fourthly, what provisions are the Hindus prepared to make for the economic rehabilitation of the Scheduled Castes who, as a result of division, will be left within the Muslim Zone and who will have been brought over to the Hindu Zone as a result of an exchange of population?

Unless these points were cleared, Dr. Ambedkar added, it would not be possible for the Federation to give a clear lead on the issue of the partition of Bengal and the Punjab.— A. P. I." [1]

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1. : The Times of India, dated 28th April 1947.

24

GOVERNMENT OF INDIA WILL NOT RECOGNISE ANY PRINCELY STATE AS SOVEREIGN INDEPENDENT

There was a move for declaring India as an Independent Sovereign Country and there was a question, what would be the position of the Princely States? The Princely States were of the opinion that they will also have Independent Sovereign States, as they are also under the control of British Govt. 'Travancore' and 'Hyderabad' were the main Princely States. The Cabinet Mission also upheld this view but Dr. B. R. Ambedkar opposed the view and issued a statement showing how the Cabinet Mission's view was wrong for the nation. He further stressed that all the Princely States should be merged in India, in the interest of the sovereignty of the country. The statement read as follows: Editors.

"The only way by which the Indian States can free themselves from Paramountcy is by bringing about a merger of sovereignty or suzerainty. This can happen only when the Indian States join the Indian Union as constituent units" says Dr. B. R. Ambedkar, former member of the Viceroy's Executive Council and a leading constitutional lawyer, in a statement opposing the declaration of independence by certain States. The Indian States, Dr. Ambedkar says, will be sovereign to the extent they are, but they cannot be independent so long as they remain under the suzerainty, as they must, of the Crown, if India becomes independent. The States should realise, he adds, that their existence as Sovereign Independent States will not be worth fine years' purchase. Dr. Ambedkar goes on, the basis of the claim made by the States for a right to declare themselves independent lies in the Statement of May 12, 1946 issued by the Cabinet Mission, in which they say that the British Government could not and will not in any circumstances transfer Paramountcy to an Indian Government which means that the rights of the States which follow from their relationship to the Crown will no longer exist, and that all the rights surrenderd by the States to the Paramount power will return to the States.

Mischievous Doctrine

The doctrine that Paramountcy cannot be transferred to an Indian Government, is a most mischievous doctrine, and is based

upon an utter misunderstanding of the issue involved. After the passing of the Statute of Westminster, which earned out Canada, Australia, South Africa, and Ireland as separate dominions, the Crown, in the exercise of it prerogative rights, acts on the advice of the Cabinet of the Dominion concerned. It is bound to do so. It cannot do otherwise, it follows that when India becomes Dominion, the Crown will be bound to act in the exercise of its prerogative rights; namely Paramountcy on the advice of the Indian Cabinet. The protogonist of the theory that Paramountcy cannot be transferred to the Government of India rely on the omission from the Government of India Act, 1935, of the provisions of Section 39 of the Government of India Act, 1833 (they were reproduced in Section 33 of the Government of India Act, 1915-19) according to which the civil and military Government of India (as distinguished from the civil and military Government of British India) is vested in the Governor-General-in-Council and argue that the omission is evidence in support of the conclusion that Paramountcy could not be transferred to an India Government.

Under the Constitutional Law of the Empire, it is only when a country has become a Dominion that it can claim the right to advise the Crown and the fact that before it becomes a Dominion the Crown was differently advised is no bar to its claim. The fact the Government of India was not in the past permitted to advise the Crown in the exercise of its rights of Paramountcy does not mean that there is any inherent constitutional incapacity which disentitles her from claiming the right to advise.

Paramountcy Cannot Lapse

So far as, I have dealt with one part of the Cabinet Mission's statement where they say that the Crown could not transfer Paramountcy to an Indian Government. According to the Cabinet Mission, Paramountcy will lapse. This is a most astounding statement and runs contrary to another well established principle of Constitutional Law. According to this principle, the King cannot surrender or abandon his prerogative rights. If the Crown cannot transfer Paramountcy, the Crown cannot also abandon it. The validity of this principle was admitted by the Privy

Council in the Queen vs Edulji Byramji case, decided in 1840 and reported in 5 Moore's Privy Council cases (p. 276) wherein they said (p. 294) that the Crown could not even by charter part with its prerogative. It is, therefore, obvious that the statement by the Cabinet Mission that the Crown will not exercise Paramountcy is contrary to the Constitutional Law by which the Empire is governed.

Ultimate Sanction

Again, a statute passed by the Parliament of Great Britain abrogating Paramountcy would be improposed. The reason is obvious. The army is the ultimate sanction for Paramountcy. This Army has been the India Army for which British India has paid all long. Without the aid of this powerful army maintained by British India and placed at the disposal of the Crown through the agent, the Viceroy and the Governor-General of India, the Crown would never have been able to build up and conserve the powers of Paramountcy. These powers are of the nature of a trust held by Crown for the benefit of the people of India, and it would be a gross abuse of power on the part of the British Parliament to pass a Statute distroying that trust.

Dr. Ambedkar, in conclusion, says, whatever the choice of the Indian States may be, the duty of the people of India is clear. On their behalf, the Interim Government should notify his Majesty's Government that the British Parliament has no right to pass any law, abrogating Paramountcy and that any clause to that effect in the forthcoming legislation, conferring Dominion States on India, should be treated by the people of India as repugnant to their sovereignty and, therefore, null and void, and to declare that the Government of India will never recognise any Indian State as Sovereign Independent. [1]*

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[1] : The Times of India, dated 18th June 1947

Reprinted : Khairmode, Vol. 8, Pp. 195-198.

* For comments on the Statement see Appendix-IX and X.

25

BERAR WILL REVERT TO NIZAM ON AUGUST 15

Dr. Ambedkar's Interpretation Of New India Bill

The treaty by which Berar was ceded to the British would lapse and the territory revert to the Nizam on August 15, when His Majesty's suzerainty over India would cease, said Dr. B. R. Ambedkar, referring to the replies given by Mr. V. P. Menon, Reforms Commissioner, at a press conference last week at Delhi.

"The view expressed by Mr. Menon, if it is correct, "Dr. Ambedkar added," would no doubt serve as a great solace to the people of Berar who have been anxiously waiting to know what their fate is going to be under the new dispensation.

"The question is : Is the view expressed by him correct? In my judgment, having regard to the provisions contained in section 7 of clause 2 of the Bill, the view expressed by Mr. Menon is quite untenable.

"Sub-section 1 (B) of section 7 says that as from the appointed date, that is, August 15, not only the suzerainty over India by His Majesty will lapse but all powers, rights, authority of jurisdiction exercisable by His Majesty in or in relation to Indian States by treaties, grants, usage, sufferance or otherwise will also lapse. What does this mean when applied to the treaty with regard to Berar ? Obviously, it means that the treaty by which Berar was ceded to the British will also lapse.

Clause 2 Applies to Berar

"If this construction of the clause is correct, then the effect of this sub-section is that on August 15 Berar will revert to the Nizam. To argue that this clause does not apply to Berar because Berar has not been specially mentioned is to read into the sub-section A limitation which is not there. The sub-section is so general that specific mention of Berar is unnecessary. Specific mention of Berar would be necessary only if the intention was to save it from the effect of the general clause and not otherwise. As there is no such saving clause, the sub-section as it stands must have full operation in Berar, as well as other territories belonging to Indian States and which

forms part of the British India by reason of treaty or agreement. One is, therefore, bound to say that Mr. V. P. Menon has missed the import of sub-section 1 (B) of section 7 and hereby created a wrong impression by his answers at the press conference.

Transfer of Territories

"It is equally incorrect to suggest as was done at the said conference by Sardar Patel that the position of Berar will stand as it is until a new agreement is made with the Nizam. The reason is that the standstill clause which is sub-clause (c) of sub-section (1) of section 7 makes a distinction between treaties and agreements which refer to transfer of territories and those which relate to arrangements regarding customs, transport, communications, posts and telegraphs or other like matters. It saves treaties of the latter class only. It does not save any agreement which relates to transfer of territory. The agreement relating to Berar is an agreement which relates to transfer of territory and as such is not saved from the general effect of sub-clause 1 (b) of section 7.

"Nobody would be more happy than myself if it was shown that the construction I put upon section 7 was wrong. All I want to say is that the people of India and the people of Berar should take note of section 7 as it stands and should have the matter cleared up by a direct question to the Prime Minister, Mr. Atlee, when the Bill comes up for discussion in the House of Commons."—A.P" [1]

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1. : The Times of India, dated 8th July 1947.

26

IF BOUNDARY DRAWN IS NOT NATURAL IT WILL PUT THE SAFETY AND SECURITY OF THE PEOPLE OF INDIA IN GREAT JEOPARDY

New Delhi, July 20, 1947.

Dr. B. R. Ambedkar, in a statement today said that the partition of the Punjab and Bengal was not a local problem to be left to the people of these two provinces, but an "All-India problem" for it involves the fixation of the Frontiers of Pakistan and India and must be determined primarily by "considerations of facility of defence and administration."

Dr. Ambedkar said : "From the reports of controversies going on in the newspapers regarding the fixation of the boundary line betwen the West Punjab and the East Pubjab and between West Bengal and East Bengal and of the gists of the memoranda submitted to the Boundary Commission by the Muslims and Non-Muslims, it becomes clear that the results of the Boundary Commission may be disastrous to the country.

"In the first place, the problem is treated as though it was local problem, to be left to the people of the Punjab and Bengal to fight among themselves. In the second place, the problem is regarded by the local people as one of land-grabbing. In this scramble for land, a frantic search is being made to find out Muslim enclaves in Non-Muslim areas and Non-Muslim enclaves in Muslim areas with a view to push the national boundaries backwards and forwards and to bring as many Muslims from Non-Muslim area to Muslim area and as many Non-Muslims from Muslim area to Non-Muslim area.

"Both these methods of approach are, to my mind, wrong and misleading. The shifting of national boundaries with reference to enclaves could have been justified if it was accepted that Pakistan and Hindustan should be homogeneous states. This has, however, not been the basis of partition, as is clear from the fact that neither the Congress nor the Muslim League has stipulated for transfer of population. No matter how the national boundaries are chopped and changed, a large number of Non-Muslims will remain in Pakistan and an equally large number of Muslims will remain in

India. Consequently, the attempt to shift boundaries merely to include more of one's fellow members is, I think, utterly misdirected.

Defence

Secondly, the problem would have been local, if Pakistan and India were not two Sovereign Independent States. The fact, however, is that they are, and each will have to defend itself against encroachment or invasion, should an occasion arise.

In this view of the matter, the partition of the Punjab and Bengal is not a local problem but an all-India problem, for it involes the fixation of the frontiers of Pakistan and India and must be determined primarily by considerations of facility of defence and administration.

In the light of these considerations, the Government of Pakistan and that of India would not only be the proper parties before the Boundary Commission, but they will be the necessary parties. The boundaries between Pakistan and India being the frontiers of India, it was for the Defence Department of the Government of India to have insisted that the Boundary Commission should have military officers as-assessors which is always done in the settlement of frontiers between two States.

Not only has the Defence Department of the Government of India failed to do so, it has not even cared to appear before the Boundary Commission to present the case from defence and administration points of view. It seems to have forgotten that the maintenance of the frontier will not be the responsibility of the East Punjab or West Bengal. From first to last, it will be the responsibility of the Government of India and it was, therefore, the primary concern of the Defence Department to have its say in the fixation of the frontiers.

Natural Boundaries

No one can deny that from the point of view of defence and administration, boundaries between Pakistan and India must be natural boundaries, *i.e.* they must run along a river or a

mountain. From the nature of contentions raised in the memoranda submitted to the Boundary Commission, it is clear that these factors will not receive the considerations they deserve.

They are slurred over and not even mentioned. The danger is that the forntiers between Pakistan and India that are likely to emerge from the labours of the Boundary Commission, however, satisfactory they may be from the standpoint of the communities immediately affected, will be most unsatisfactory from the point of view of India.

If my fears come true and the boundary drawn by the Commission is not a natural one, it needs no prophet to say that its maintenance will cost the Government of India very dearly and it will put the safety and security of the people of India in great jeopardy. I hope, therefore, that late as it is, the Defence Department will bestir itself and do its duty before it is too late." —A.P.I." [1]

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1. : The Free Press Journal, dated 21st July 1947.

27

INDIAN CITIZENS HAVE EQUAL RIGHTS BEFORE THE LAW

Dr. Ambedkar's interview with Alan Campbell:—

"Government House, New Delhi,
Saturday, 24th April, 1948"

"They and I dined tonight amid fairy-lights on the lawn of the Delhi Gymkhana Club. Our host was Shri Krishna (well-known Delhi political correspondent), who had collected an interesting party. The principal guest was Dr. Ambedkar, the Minister for Law, the Leader of the Untouchables, and a colourful personality in Indian politics over the past twenty years. He is now one of the principal figures associated with preparation of India's new Constitution which finally removes the stigma of Untouchability from the Statue book. As part of his emancipation, Dr. Ambedkar, himself is Untouchable, has only recently married a lady doctor who is a Brahmin. The custom of centuries cannot be uprooted overnight, and the event has caused quite a stir. His wife was with him this evening, but, as it is the custom with so many Indian ladies on social occasion had little to say.

Dr. Ambedkar himself was in expansive viewing, gave us a revealing analysis of some of the features of the new Constitution. He pointed out, instance, that the special powers reserved for the judiciary under its provisions were greater than enjoyed by the United States Supreme Court. As evidence of the enduring quality of the 1935 Act, said that some two hundred fifty of its clauses has been embodied as they stood into the new Constitution.

We had a discussion on Cabinet Government, Dr. Ambedkar referred to the complaint that the present system was working too slowly in India. He thought that where the matter of policy affecting two department was involved the issue should at once be settled as between the Ministers concerned. He comments the Ceddes proposals and the system of non-departmental Cabinet chiefs with groups of departmental deputies under them. He said he was sorry. Mountbatten was leaving before the Constitution was finally

passed. The Commonwealth issue, he felt, was likely to be decided outside the Constituent Assembly." (Mission With Mountbatten. Pp. 318-20 by Alan Campbell—Johnson).

"The Indian Constitution, which was under active preparation and discussion during Lord Mountbatten's term of office, is a synthesis of the great Western charters of liberty. The obvious hiatus between the vision of this document and the realities of Indian life does not destroy the validity of the vision. It represents a great tribute to the liberalising influence of British thought, and is a fundamental attack upon the aims and aspirations of communalism. The Indian Constitution offers fresh hope for the eighty million Untouchables, who under purely Hindu dogma were parials polluting food with their shadow, but are now Indian citizens with equal rights before the law. It is significant that one of the principal personalities in Nehru's Government, and as such a prominent personality in the preparation and sponsorship of the Constitution, is Dr. Ambedkar, the well- known leader of the Untouchables." [1]

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1. : Mission with Mountbatten, Pp. 361-362, by Alan Campbell-Johnson. Reprinted : Khairmode, Vol. 10, Pp. 36-38.

28

ONE OFFICIAL LANGUAGE FOR CENTRE AND PROVINCES

Bombay, October 15th, 1948. (API)

Dr. B. R. Ambedkar, India's Minister for Law, has expressed the opinion in a statement submitted to the Linguistic Provinces Commission, that the demand for the reconstitution of provinces on linguistic basis should be accepted but the Indian Union's Constitution should provide that the official language of every Province shall be the same as the official language of the Central Government.

It was only on that footing which was necessary to provide against the break-up of India's unity that he was prepared to accept the demand for linguistic provinces, Dr. Ambedkar said.

"A Linguistic Province produces what democracy needs *viz*- social homogeneity." Dr. Ambedkar said, "The reason why in a heterogeneous society democracy cannot succeed is because power, instead of being used impartially is used to the detriment of another."

Coming to the question of Maharashtra Province Dr. Ambedkar quoted figures showing its size and population, and said the figures left no doubt that Maharashtra would not merely be a viable Province, but a strong Province in point of area, population and revenue. He disapproved of the idea of sub-Provinces in Maharashtra, which would be a perpetual burden in normal times and a source of weakness in an emergency.

Replying at great length to several points made in recent newspaper articles against the inclusion of Bombay in the proposed Maharashtra Province, Dr. Ambedkar argued that Maharashtra and Bombay were not merely interdependent, they were really one and integral and severance between the two would be fatal to both. "If the Commission can accept the arguments urged for the separation of Bombay from Maharashtra, it must be equally prepared to recommend the separation of Calcutta from West Bengal." Dr. Ambedkar said, because "The Maharashtrians can at least claim that they have supplied labour if not capital for the trade and industry of Bombay; the Bengalis cannot even say this." [1]

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1. : The Sunday Chronicle, dated 17th October 1948.

29

INDIA AND THE BRITISH COMMONWEALTH

FINANCE MINISTER
INDIA

No. 8195-Of/48
New Delhi,
November 19, 1948.

My dear Ambedkar,

Many thanks for sending me your note on India and the British Commonwealth. I have read it with great interest as an able and lucid analysis of a difficult problem.

The note is being returned herewith.

Yours sincerely,
Sd/Illegible

The Hon'ble Dr. B. R. Ambedkar,
Minister for Law, Government of India,
New Delhi.

(See the note overleaf —Editors)

As regards this paper, the then Officer on Special Duty, noted that the paper was found in the record received by the Government from the Administrator General, Maharashtra State in 1979.

The Note of 'India and the British Commonwealth' was sent by Dr. Ambedkar to the Finance Minister of India, which was returned by him with a covering letter from the office. The signature is, however, illegible.—Editors.

India and the British Commonwealth

I. The Necessity for a Link

In considering the question of establishing a link between India and the British Commonwealth there are two questions which arise for decision. First is, should India sever all her connections with the British Commonwealth and assume the status of an independent Sovereign State ? The second is that if India is not to sever all her connections with the British Commonwealth, what should be the relationship between India and the British Commonwealth ?

2. On the first question there seems to be hardly any difference of opinion. Barring a few extremists, the majority are against India severing her connection with the British Commonwealth. It is not that only India is anxious to maintain this link, it is desired by the British Commonwealth. It is in the interest of the Commonwealth that India should not sever her connection with it. The link between India and the Commonwealth is vital to the Commonwealth. The defence of the Commonwealth depends upon its link with India. At the same time it would not do for India to adopt an attitude of indifference. For she too cannot do without link with the Commonwealth. There are two things which India needs and which are vital to her existence as a free country capable of shaping her destiny in her own independent way without dictation from outside and of having an effective voice in the affairs of the world. Free India cannot be free India unless she reaches this position. This position India cannot reach unless her industrialization becomes an accomplished fact and unless she develops in a military strength both adequate for defence as well as for offence. For achieving this objective India must obtain technical equipment which she has not and which she cannot get without outside help. Such outside help can come more readily from the British Commonwealth than from any other quarters. It is, therefore, in the interest of India that she should have a link with the Commonwealth.

II. National Status vs. Dominion Status

3. The solution of the second question is, however, not quite so easy. It raises many problems. India has achieved a national status. Should she exchange it for a Dominion Status ? This is

the first problem we have to tackle. From a purely formal point of view there need be no difficulty. Formally there is no difference between National Status and Dominion status. Dominion Status is not a subordinate status in any manner whatsoever. Each Dominion is not merely autonomous but independent and is equal in status to any other Dominion. In the scheme of the Commonwealth, the United Kingdom is only one of the Dominions. How autonomous and independent each Dominion is, will be found by reference to two events of recent occurance. One relates to South Africa. King Edward VIII continued to be the King of South Africa for two days after he had ceased to be the King of the rest of the Commonwealth. The other relates to Ireland. In the last war when all the Dominions were at war, Ireland decided to remain neutral. In my opinion no greater proof is necessary to show how real and how effective is the autonomy and independence of each Dominion. It is as good as National Status.

4. Question is, can India now accept Dominion Status after having acquired National Status ? I think it cannot. The reasons are obvious. They are both constitutional and psychological. The essentials of Dominion Status are three—(1) Recognition of common loyalty to the King, (2) Recognition of the King as the head of the Dominion acting through the Governor-General appointed by him, (3) Oath of allegiance to the King by members of Dominion Parliament. If the Constitution of every Dominion is examined, it will be found that these three elements are embedded in it.

5. The Draft Constitution for free India which is being considered by the Constituent Assembly does not recognize any of these elements. The preamble of the Draft Constitution describes India as a Sovereign Independent Republic. The use of the word "Republic" is incompatible with the King being at the head of the State. The Draft Constitution makes the President the head of the State and not the King. Nor is the President the Representative of the King. He is the representative of the Indian people. The oath to be taken by the members of Indian Parliament is not an oath of allegiance to the King but to the country and to the Constitution. Thus, the Draft Constitution is fundamentally different from what a Dominion Constitution is required to be. It requires every one of the three essential elements of a Dominion

Constitution. This is one difficulty in the way of India now accepting Dominion Status. To put the car in the reverse gear is always difficult. It is much more difficult to do so when the car has started running down hill.

6. The other difficulty is psychological. Can we adopt an alien King as our own ? Is there anything socially and culturally common between Indians and the people comprising the Dominions ? Even if the word 'British' was removed from its designation, the Commonwealth will still continue to be British in its loyalty and white in its colour complex. Can India feel at home in such a Commonwelath ? However, much one may like that India should maintain a link with the Commonwealth, there can be no doubt that India cannot be at home in the Commonwealth.

III. Amended Form of Dominion Status

7. If the link cannot be established by India becoming a Dominion in *de jure* sense of the term, what is the alternative ? The alternative suggested is that proposed in the British Nationality Act of 1948 and the Canadian Nationality Act of 1946. Section 1 of the act reads as follows :—

"British nationality by virtue of citizenship :—

(1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in the next following sub-section is a citizen of that country shall, by virtue of that citizenship, have the status of a British subject. Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen and accordingly in this Act and in any other enactment or instrument whatever whether passed or made before or after the commencement of this Act, the expression 'Briish subject' and the expression Commonwealth citizen ' shall have the same meaning.

(2) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Noewfound land, India, Pakistan, Southern Rhodesia and Ceylon."

Relevant sections of the Canadian Nationality Act are sections 4, 5 and 26 :—

"4. **Born before the commencement of the Act :—**A person, born before the commencement of this Act, is a natural born Canadian citizen :—

(a) If he was born in Canada or on a Canadianship and has not become an alien at the commencement of this Act; or

(b) if he was born outside of Canada elsewhere than on a Canadianship and his father, or in the case of a person born out of wedlock, his mother—

(i) was born in Canada or on a Canadianship and has not become an alien at the time of that person's birth, or

(ii) was, at the time of that person's birth, a British subject who had Canadian domicile,

if, at the commencement of this Act, that person has not become an alien, and has either been lawfully admitted to Canada for permanent residence or is a minor."

"5. **Born after the commencement of the Act**:— A person, born after the commencement of this Act, is a natural born Canadian citizen :—

(a) if he is born in Canada or on a Canadianship ; or

(b) if he is born outside of Canada elsewhere than on a Canadianship, and

(i) his father, or in the case of a child born out of wed-lock, his mother, at the time of that person's birth, is a Canadian citizen by reason of having been born in Canada or on a Canadianship, or having been granted a certificate of citizenship or having been a Canadian citizen at the commencement of this Act, and

(ii) the fact of his birth is registered at a consulate or with the Minister, within two years after its occurrence or within such extended period as may be authorized in special cases by the Minister, in accordance with the regulations."

"26. Canadian citizen a British subject :— A Canadian citizen is a British subject."

8. The scheme underlying these Acts is to create two categories of citizenship— (1) a Commonwealth citizen, and (2) a citizen of a particular Commonwealth. The acquisition of Commonwealth citizenship is automatic. Every person who is a citizen of a particular Commonwealth become, by reason of that fact, a Commomwealth citizen. It is said that if every Dominion did what the British and the Canadian Nationality Acts have done, it will be possible even for a Republic to be a member of the Commonwealth.

9. This proposal requires to be examined from three points of view before we can give our consent to it. Does this proposal make any change in the existing system of citizenship prevailing in the Commonwealth ? If the proposal does involve a change, does India gain or lose by this change ? Thirdly, even if India is desirous of having a link the Commonwealth can she accept this proposal consistently with the provisions contained in the Draft Constitution ?

10. The Commonwealth has suffered from three defects. One defect related to the conduct of its Foreign Affairs. Foreign Affairs have been the most fruitful source of war and yet they were mostly left to be conducted by the Government of the United Kingdom, with no active participation by the Dominions. It is true that the Dominions have the right to remain neutral. But that is no remedy, for it is a remedy which does not mend the Commonwealth. It puts an end to the Commonwealth. The second defect was that there was no remedy for the settlement of inter-dominion disputes. Dominions in relation to one another are not foreign countries. They therefore, cannot take their disputes to the Court of International Justice. And yet there has been no Tribunal to settle inter-dominion disputes. The third defect of the Commonwealth is that there was no common citizenship. A citizen of one dominion is not a citizen of every other Dominion. In fact the Commonwealth has been opposed to a Commonwealth citizenship. It insists that each Dominion shall be free to define who is to be its citizen and shall be free to say that the citizen of another shall not be its citizen. We are here concerned with the

third defect. Does the proposal make any change in this system ? As I see it, it makes no change. The Dominions will still continue to have the same right of defining who is and who is not their citizen which have today and will in future as in the past continue to exclude Indians resident in them from the rights of citizenship.

11. Thus India does not stand to gain or lose from this change *vis-a-vis* the Dominions. But India need not consider the case of the other Dominions for it may be taken for granted that they will never confer their citizenship on Indians and India, therefore, will never be called upon to admit them to her citizenship. But the case of India and United Kingdom is different. For under her Nationality Act she is prepared to recognize Indians as her citizens. She expects India to recognize her nationals to be the citizens of India. Can India afford to do so ? I am sure India cannot. The reason is obvious. Once a common citizenship is established between India and Great Britain, we shall not be able to discriminate between British and Indian for both will be citizens. We shall be going back to the provisions contained in sections 111 to 121 of the old Government of India Act, 1935, which prevented any such discrimination between British and Indian citizens, from which we have been trying to escape. It is, therefore, quite clear that Commonwealth citizenship is a dangerous method of making India a member of the Commonwealth.

12. Apart from the dangers involved in the proposal, can India accept it as a link between herself and the Commonwealth consistently with the provisions contained in the Draft Constitution to which I have already made a reference ? This solution of having a Commonwealth citizenship is recommended on the ground that it avoids reference to the King and this enables even Republics to remain members of the Commonwealth. But does it ? To dertermine this issue one must know what is meant by a Commonwealth citizen. Now citizenship is a matter of rights and duties. If a question is asked what are the rights of a citizen of a Commonwealth, one can easily answer it. The rights of a citizen of a Commonwealth are those that are conferred upon him by the

law of that particular Commonwealth of which he is a citizen. But what are the rights and duties of a Commonwealth citizen ? If this is a new and original concept having substance in it, then we should be able to find and answer to this question in the two Acts— defining nationality—British and Canadian. Both Acts are silent on the subject. A Commonwealth citizen is thus a bogus person with neither should to lose nor a body be kicked.

13. The term Commonwealth citizen is nothing but an empty phrase. It has no juristic content. As compared to it the citizenship of the United States, which is distinct from the citizenship of a State, is a real thing. It has certain privileges and immunites. But there are none which are attached to a Commonwealth citizen. Why then is the term Commonwealth citizen used ? What does it really stand for ? A reference to Section 1 of the British Nationality Act already quoted shows that it is only a substitute for the age old term "British Subject". Knowing this, can India accept this solution ?If a Commonwealth citizen is merely another name for a British citizen, he must owe allegiance to the King. And as I have pointed out, allegiance to a King is incompatible with a Republic. It is, therefore, clear that this solution—Commonwealth citizenship—cannot be accepted by India if India is to be a Republic.

IV. A New Approach

14. Having regard to her draft Constitution India cannot accept allegiance to the King, or Commonwealth citizenship as a method of remaining in the Commonwealth. We must find out some other way. It seems to me that the proper way to adopt is to follow the lines set out by De Valera in 1921 for the settlement of the Irish question. Those who have followed the controversy know that Mr. De Valera did not want Ireland to be a Constituent State of the Commonwealth having the symbols of a Dominion referred to in paragraph 4 of this note. He wanted Ireland to be an Associate State of the Commonwealth as a distinguished from a Constituent State of the Commonwealth. His conception of an Associate State of the Commonwealth was set out by him in a paper which in the history of Irish settlement is known as Document No. 2.

15. I reproduce the following parts of the Document for easy reference as well to give an idea of what Mr. De Valera meant by an Associate State:

"States of Ireland

1. That, the legislative, executive, and judicial authority of Ireland shall be derived solely from the people of Ireland.

Terms of Association

2. That, for purposes of common concern, Ireland shall be associated with States of the British Commonwealth, *viz* : The Kingdom of Great Britain, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa.
3. That, when acting as an associate the rights, status and privileges of Ireland shall be in no respect less than those enjoyed by any of the component States of the British Commonwealth.
4. That, the matters of "common concern" shall include Defence, Peace and War, Political Treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth, and that in these matters there shall be "between Ireland and the States of the British Commonwealth" such concerted action founded on consultation as the several Governments may determine.
5. That, in virtue of this association of Ireland with the States of the British Commonwealth, citizen of Ireland in any of these States shall not be subject to any disabilities which a citizen of one of the component States of the British Commonwealth would not be subject to, and reciprocally for citizens of these States in Ireland.
6. That, for purposes of the Association, Ireland shall recognise His Britannic Majesty as head of the Association."

Here is a new way of establishing a link with the Commonwealth. Paragaphs 6, 5 and 4 call for a scrutiny :

Paragraph 6 :—This paragraph 6 can be easily dropped as being quite unnecessary for a link between the Dominions and the Associate State. De Valera himself when he gave effect to the principles underlying this Document by enacting the Executive Authority (External Relations) Act, 1936, dropped it.

Paragraph 5 :—We cannot accept paragraph 5 in the terms in which it stands. If it is found necessary to retain it, we must revise its language carefully. We must make a distinction between disabilities and privileges and immunities. While agreeing not to subject the citizens of the different Commonwealth residents in India to any disabilities, we must not allow them to claim the benefit of privileges and immunities which must be reserved to the citizens of India.

Paragraph 4 :—This paragraph of the Document is the most important part of the Document. It is the best part of the Document. It contains the definition of an Associate State and States clearly how and to what extent it is linked to the Commonwealth. This is enough for our purpose. Our Constitution will not permit us to have a closer link with the Commonwealth. Our needs will not permit us to have a looser link with the Commonwealth.

16. The question is whether association on these terms will be accepted as sufficient for India to be regarded as a member of the British Commonwealth of Nations. As I have stated the provisions of Document No. 2 were incorporated in the Irish Constitution when it was re-enacted in 1937. Question was raised whether with these changes, Ireland still remained a member of the British Commonwealth. In reply to this the British Government on the 30th December, 1937 issued the following statement—

> "His Majesty's Government in the United Kingdom have considered the position created by the new Constitution which was approved by the Parliament of the Irish Free State in June 1937, and came into force on December, 29th.
>
> "They are prepared to treat the new Constitution as not effecting a fundamental alteration in the position of the Irish Free State-in future to be described under the new Constitution as 'Eire' or 'Ireland'-as a member of the British Commonwealth of Nations.

"His Majesty's Government in the United Kingdom have ascertained that His Majesty's Government in Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa are also prepared so to treat the new Constitution."

Having accepted Ireland as a member of the Commonwealth, the British Government is bound to do the same with regard to India especially when the terms in both cases are the same. Neither the British Government nor the Dominions can demand from us for associate membership which is all we need.

V-Nature and Advantages of the New proposal

17. By this new proposal the Commonwealth will consist of two sorts of States—(1) Constituent States, and (2) Associated States. The former will be the old Dominions with the King at the head. The latter will include countries like India who do not acknowledge the King at the head. The proposal has two advantages. It enables India to remain as Republic which she has resolved to be. It enables India and the Commonwealth to obtain reciprocal advantages in fields which are of vital importance to both. And lastly, it enables India to avoid the danger of giving recognition to the proposal of a Commonwealth citizenship which may involve equality of treatment of Indians and Britishers in matters of trade and commerce against which India has fought.

Vl-Clarification

18. While making India an Associate Member of the Commonwealth, we must not omit to make two things clear. One is that whether India is a member of the Commonwealth or not must not be made dependent upon the wishes of the Commonwealth. It must be determined entirely by any declaration made by India in this behalf. The other is that the dissociation of India from the Commonwealth must be left to be decided by any declaration made by India in this behalf. Anyone who has studied the case of Ireland will realize the importance of these clarifications. Ireland has been held to be a Dominion even when it was made clear by her in her Constitution that she did not want to be a Dominion. Ireland has not been allowed to go out of the Commonwealth on the ground that the other Dominions have not recognized her as a Foreign State.

19. This clarification has become urgent because of the recent decision of the King's Bench Division in Murry *v/s* Parkes (A.E.R.1942-Volume I. 558.) The question was whether Ireland was or was not a Dominion. The Lord Chief Justice held that Ireland was not a Dominion and gave two reasons in support of his decision—

(1) That, he was not aware that Eire had ever expressly exercised the right of secessions, and

(2) That, even if it had, the question would still remain whether secession by Eire could be effective unless and until the other members of the Commonwealth had recognized Eire as a Foreign State.

This is I have no doubt a very mischievous decision. There is in it more politics than Law. We must not, therefore, leave any shadow of doubt on the point that our entry into as well as our exit from the Commonwealth is a matter which entirely depends upon us and the wish and the consent of the Commonwealth is both unnecessary and irrelevant.

VII-Implementation

20. I now come to the question of implementation. There are two questions here which arise for consideration. The form of the declaration and the method of giving it a legal sanction. As to the form of the declaration, I put forth the following Draft—

"India is hereby declared to be an Associate member of the British Commonwealth for the purposes of such concerted action founded on consultation and free will in matters of common concern which shall include trade, commerce, defence, peace and war on the understanding that when acting as an associate rights, status, and privileges of India shall in no respect be less than those enjoyed by any of the other component States of the Commonwealth."

Such a declaration accompanied by clarifications on points mentioned above should suffice. If such a declaration is made, it does not seem to me to be necessary to amend the Preamble by the substitution of the word 'State' for the word 'Republic'. The word 'Republic' may stand.

21. The next question is of implementation. There are two ways of implementing it. One is by a treaty. The other is by introducing an Article in the Constitution. I prefer the latter mode.

22. This statement may appear to run counter to what is suggested by my amendment to the Preamble. I must confess that my attitude has undergone a change. This change is due to the new basis suggested for Dominion Status—namely Commonwealth Citizenship. I was in favour of Dominion Status because of the right it gave to each Dominion to define its Citizens. A common Citizenship seems to me to be dangerous to the economic independence of India. For it may result in taking away the liberty of India to protect her nationals against Commonwealth citizens. The original basis of Dominion Status—namely allegiance to the King—appears to me less dangerous than the new basis of Commonwealth citizenship.

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30

CONSTITUTION AND CONSTITUTIONALISM

THE CONSTITUTION OF INDIA
AN EXPOSITION OF ITS PRINCIPLES

Introduction : The Beginnings and the Growth of the Constitution.

PART I

Principles underlying the Constitutional System

Chapter 1. .. The Principle of Democracy.
Chapter 2. .. The Principle of Federalism.
Chapter 3. .. The Principle of Separation of Powers.

PART II

The Organs of the State

Chapter 4. .. The Legislature.
Chapter 5. .. The Executive.
Chapter 6. .. The Judiciary.

PART III

The Union and the States

Chapter7. .. Legislative Relations.
Chapter 8. .. Administrative Relations.
Chapter 9. .. Financial Relations.
Chapter 10. .. Emergency Relations.

PART IV

The State and the Citizen

Chapter 11. .. The Rule of Law.
Chapter 12. .. Right to Personal Freedom.
Chapter 13. .. Right to Freedom of Speech.
Chapter 14. .. Right of Public Meeting.
Chapter 15. .. Right of Association.
Chapter 16. .. Right of Free Movement.
Chapter 17. .. Right to hold Property.

The manuscript received contained only the Chapter Scheme of the book presented above and the two introductions which follow : Editors.

INTRODUCTION

The Nature and scope of Constitutional Law

In the pages that follow I have not reproduced the text of the Articles of the Constitution. Such a thing would have been in my judgment useless and unhelpful to the student who wants to have an overall idea of the provisions of the Constitution and the principles underlying it. What I have done is to select certain heads and assemble thereunder for discussion and exposition articles of the Constitution relevant to such heads. What those heads are will be clear from the Table of Contents. This is an analytical study of the Constitution which aims to give an objective picture of the Constitution and to set it in contrast with the provisions of the constitutions of other countries.

It is not unlikely that a reader may ask on what basis I have selected the heads for discussion. My answer is that these are the topics which are generally held to fall within the scope of Constitutional Law. This answer, however, raises other questions. What is meant by a Constitution ? What is the nature and scope of Constitutional Law ? Some explanation of the subject is, therefore, inevitable. It must, however, be very brief.

What is meant by the term Constitution ? The word constitution in its legal connotation means the act of establishing or of ordaining or the ordinance or regulation so established. According to Prof. Mc II wain :—

"In the Roman Empire the word in its Latin form became the technical term for acts of legislation by the emperor, and from Roman Law the Church borrowed it and applied it to ecclesiastical regulations for the whole Church or some particular ecclesiastical province. From the Church, or possibly from the Roman law-books themselves, the term came back into use in the later middle ages as applicable to secular enactments of the time."

For centuries the word Constitution always meant a particular administrative enactment. Much as it had meant to the Roman Lawyers. The word was used to distinguish such particular enactments from *Consuetudo* or ancient custom. It was not until 1610 the Constitution came to have the modern meaning, according to which it means the scheme of civil Government as defined by law ; in other words, the legal frame work of the State.

A hundred years later the word Constitution is seen to have taken on an additional and special meaning which goes much beyond the legal frame-work of the State. This is well indicated by Bolingbroke who, writing in 1733, said :—

"By Constitution, we mean, whenever we speak with propriety and exactness, that assemblage of laws, institutions and customs, derived from certain fixed principles of reason, directed to certain fixed objects of public good, that compose the general system, according to which the community hath agreed to be Governed."

Even this meaning of the word Constitution is still short of the modern meaning of the word Constitution. To-day the word means the fundamental law which determines the powers and duties of the different organs of Government in a State and to which they are subject. This meaning of the word Constitution was evidently brought out by Thomas Paine who argued that:—

> "A Constitution is not the act of a Government but of a people constituting a Government and a Government without a Constitution is power without right."

So much for the meaning of the word Constitution.

What is the nature and scope of Constitutional Law ? An easier way of understanding the nature of Constitutional Law is to know its scope. It would, therefore, be better to describe first the scope of it. The scope of Constitutional Law all over the world where democracy prevails includes all matters relating to the right claimed by the State against its citizens, *i.e.* (1) to make a law binding on all,

(2) to enforce the law and (3) to interpret the law and the rights claimed by the citizens against the State. If it is a composite State, i.e., a Federal State, then the scope of Constitutional Law would, in addition to those matters, include matters pertaining to the inter-relations between the Central Polity and the other polities making up the Federation, legal, executive and financial.

Given the scope what is the place of Constitutional Law in legal jurisprudence ? Prof. Holland calls it a part of the Public Law of the country. No one can deny that this is the correct view. His reasoning logically leads to that conclusion. Law as an enforceable rule of conduct relates to rights. When it relates to rights as between the citizens of the same State it is called Municipal Law. When it relates to two different States, it is called International Law. The Municipal Law of a State falls into two categories. One is called the Private Law and the other is called Public Law. Rights which may be enforced by one citizen against another fall under what is called Private Law. Rights which the State asserts against citizens to enforce against itself fall under what is called Public Law. Similarly in a federal organization the rights which the Centre has against the States necessarily belong to the field of Public Law. On no view they can be deemed to fall under Private Law.

In so far as Constitutional Law deals with the rights claimed by the State against another State or by the State against the citizens and the rights claimed by the citizens against the State, Constitutional Law must be admitted as a branch of Public Law. This explanation of the nature and scope of Constitional Law will justify why only certain heads have been selected for discussion and exposition. They are selected because their discussion offers the best method of exposing the Constitution as a part of the Public Law of India and bringing to light its special features.

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31

PEOPLE IN INDIA WOULD KNOW THEIR FUNDAMENTAL RIGHTS

Dr. B. R. Ambedkar, the Law Minister, Government of India, visited Hyderabad. He addressed a meeting held in the Boat Club, under the auspices of the Hyderabad Progressive Group on 24-5-1950. Certain questions were put to him by the correspondents and members of the audience in regard to the Constitution, Democracy, Untouchability etc.

Parliamentary Democracy in India

There are moments when I think that the future of Democracy in India is very dark. But, I do not want to say that I have not other moments when I feel that if all of us put our shoulders together and pledge ourselves to "constitutional morality" we should be able to build up a regular party system in which there could be liberty, equality and fraternity.

Fundamental Rights Embodied in The Constitution Of India

It is wrong to suppose that fundamental rights conferred absolute rights on the citizens. We have certain limitations on Fundamental Rights which are necessary for the safety of the State. While we drafted the Constitution, we took care to see that individual liberty was not unduly affected by limitation on fundamental rights.

The best guarantee of fundamental rights was to have a good opposition in Parliament, in which case the Government was bound to behave properly.

The second safeguard was legal. For instance, a Minister acted on reports submitted by the C. I. D. in arresting and keeping a person under the preventive detention. The question that arose was were the reports of the C. I. D. genuine. This is a difficult question to solve.

I should have thought that legal ingenuity ought to be able to find some way of imposing some restrictions or some limitations upon the power of the Minister to act upon such reports so that there is enough ground for taking executive action and that there is sound semblance of genuineness in the report submitted. If that is done, I think, then the Supreme Court is there as another safeguard.

India is now in a transitional stage. When the U. S. A. framed its Constitution and incorporated the fundamental rights therein, its people did not know what the nature, scope and limitations of those rights were. It was only after a long course of judicial decisions of the Supreme Court that the difficulties were settled, and the nature, scope and limitations of fundamental rights were all laid down. Similarly, I am sure that after a period of five or ten years, people in India would know their fundamental rights and what their Constitution meant for them.

Adult Franchise

Question : Why was adult franchise introduced in India all of a sudden and not gradually ?

Answer: I think the party in power was so much committed to the principle of adult suffrage that notwithstanding the fact that towards the end they began to feel somewhat doubtful about its utility, they could not go back to it.

Personally, I am not at all afraid of adult franchise. I am one of the few people who are very much in touch with the masses and I feel certain that there is no fear of adult suffrage being misunderstood or misrepresented in any way. The only difficulty I feel about adult suffrage is the capacity of the attenuated official machinery to carry out the entire polling of this vast mass of voters in the country. The only way by which that difficulty could be solved, in my judgement, is not to have election in all the constituencies in one day, but to spread them over a few days to enable the machinery to function efficiently.

Question : Is it a fact that in the meeting of Hyderabad Scheduled Castes Federation Working Committee it was decided to give an ultimatum to Caste Hindus that if they did not

stop harassing the Scheduled Castes and recognise their rights, the Scheduled Castes would take the matter to the UN?

Answer : There was no agenda for the meeting and no resolutions were passed.

It is always, however, open to any section of the people in any country to go to the Human Rights Commission, if it feels oppressed.

Untouchability

The problem of Untouchability in India is assuming an economic aspect now which formerly it did not.

I suppose that the lot the Untouchables in the country is better now than was the case five or six years ago, but they might have progressed better and quicker if certain impediments were not in their way.

On Having A Common Civil Code For All Communities

Question : Is it not possible to have a common civil code for all communities inhabiting India, like the Hindus, Muslims, Christains, Parsis etc?

Answer: It is not so easy to produce a civil code applicable to all in this country irrespective of caste or religion. Obviously it is quite clear we cannot import principles of justice from some country outside India denovo. We do not have a clean slate. We should take the Hindu Law, the Muslim Law, the laws governing the Christians and other communities and other acts and find out a common denominator. We can go to every community and try to tell them to accept the common denominator in the interests of uniformity of law.

But first of all, we should know our own law and what it is. For instance, the Hindu Law is a 'Jungle'. It must be codified so that people may have an idea about laws governing them before they can consider having a common code.

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32

WHAT I SAY IS THAT BE FIRM AND SINCERE

During the course of an interview on the 27th, Oct. 1951 at Jullunder, press correspondents asked Dr. B. R. Ambedkar, certain questions with regard to Kashmir, India's relation with Commonwealth etc. Answers given by Dr. B. R. Ambedkar are given below : —Editors.

Question : What is your opinion about the Kashmir problem ?

Answer : I fear that a plebiscite in Jammu and Kashmir may go against India. In order to save Hindu and Buddhist population of Jammu and Ladakh, from going to Pakistan, in such an eventuality, there should be zonal plebiscite in Jammu, Ladakh, and Kashmir.

Question : Why has Churchill come to power again in Britain ?

Answer : The defeat of the Labour Party was probably due to sudden emergence of Iranian Oil and Egyptian question.

The British general electorate probably thought that if the Labour Party came into power, Mr. Bevan would dominate, which meant that the defence of Great Britain would be weakened.

Question : What effect the return of conservative party will have on India ?

Answer: I do not think it will have any effect, except probably that Mr. Churchill may raise the question of sterling balances, and probably there may be some change in British attitude towards Pakistan. Mr. Churchill has not been very fond of Hindus in India, his sympathies naturally are with Pakistan.

Question : With Mr. Churchill in power, Do you think India should continue to remain in the Commonwealth ?

Answer: Are we in the Commonwealth ? I have not been able to understand our Prime Minister. In 1929 he insisted that India will not be satisfied with Dominion Status. In 1942, when the 'Quit India Movement' was started he was the man who opposed 'Quit India Movement' which attitude was opposed to the attitude taken in Lahore. When I framed the Constitution he strongly

objected to India becoming a Dominion and suddenly he went to London for talks and came back and made a declaration that India should be in the Commonwealth.

Question : But what do you think India should do at present ?

Answer : I cannot say anything. It is a very complicated question. India should do whatever is to her advantage. If the country thinks that it is not to her advantage to remain in the Commonwealth, she should go out. What I say is that be firm and sincere.

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33

NO USE ABOUT INDEPENDENT FOREIGN POLICY WITHOUT STRIKING POWER

"Dr. Ambedkar does not like journalists. He told them so at an informal meeting in Bombay on Saturday* When he was offered the Co-operation of the Press he rejected it.

Most of what he said was "off the record." He made it clear he felt that Mr. Nehru was dragging India headlong to ruin. Instead of poking our noses into other people's affairs, he suggested, we ought to isolate ourselves from the rest of the nations and build our collapsing economy. Dr. Ambedkar seems to be haunted by the threat of a Chinese invasion. China is on our doorstep and we cannot defend ourselves, he says. It is no use talking about an independent foreign policy without striking power.

Dr. Ambedkar is a formidable intellect. One cannot avoid being impressed by him even if one disagrees completely with his views. He puts his case clearly; he is prompt in replying to questions. He is a master of sarcasm."[1]

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* The 24th November 1951.

1: The National Standard, dated 25th November 1951

34

U. S. A. INCLINED TOWARDS PAKISTAN

"Dr. B. R. Ambedkar, Scheduled Castes' leader and former Union Law Minister, returned to Bombay by a T.W.A. Constellation on Saturday,* from the United States, after receiving an honorary degree of Doctor of Laws from Columbia University.

The degree was conferred on Dr. Ambedkar at a special convocation on June 5, for his contribution to the Indian Costitution."[1]

"Bombay, June 14, 1952 (PTI)

"Dr. B. R. Ambedkar, Scheduled Castes' leader, said here today that the general public of the U.S.A. was "more impressed by Pakistan and her policies than India. It was more favourably inclined towards Pakistan", he added.

Dr. Ambedkar, who had gone to America to receive the degree of LLD., from the Columbia University, was giving his impressions of the public opinion in America, as gathered from talks with various people in that country." [2]

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* The 14th June 1952.

1: The Sunday Standard, dated 16th June 1952.

2: The Bombay Chronicle, dated 15th June 1952.

35

RETAIN ENGLISH AT ANY COST

Aurangabad, July 3, 1953.

"Dr. B.R. Ambedkar, former Law Minister of India, has pleaded for the retention of English as the medium of instruction in colleges and universities at any cost.

In an interview, Dr. Ambedkar remarked that English was the richest of all languages and said: "I do not believe any other language in India including Hindi can be used instead of English in schools and colleges."

Dr. Ambedkar, who is the founder-chairman of the People's Education Society in Aurangabad, said that he would not allow either Hindi or the regional language to be the medium of instruction in the Aurangabad College. English, he added, would be the medium of instruction.

Talking of Indian languages, Dr. Ambedkar said that no other language could take the place of Hindi. He explained they had selected Hindi because of the fact it could expand.

However, he said, Hindi lacked "literature and depth," both of which the English language possessed.

To enrich Hindi, Dr. Ambedkar said, a Hindi Academy consisting of eminent men should be started and a vocabulary should be prepared.—UPI."[1]

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[1] : The National Standard, dated 4th July 1953.

36

.....ONE MAN'S TRAFFIC IN PUBLIC AFFAIRS

Editors of Kesari and Maratha, Poona wrote a letter to Dr. Ambedkar on 5-7-1954, to which Dr. Ambedkar replied on 15-7-1954. The reply of Dr. Ambedkar is as follows.—Editors.

26, Alipur Road,
DELHI.
15th July, 1954.

The Editor, The Kesari and the Maratha Office,
Poona-2.

My Dear Sir,

I have received your letter of the 5th July, 1954 asking me to state my views on certain questions mentioned therein. I am sorry to say, I could not deal with that letter while in Bombay as I was extremely busy with the affairs of the College. Immediately thereafter I had to go to Coonoor to deliver a lecture on the Indian Constitution to the Military Staff College. I returned therefrom only yesterday.

In the present day with one man's traffic in public affairs it is very difficult to maintain one's interest in the foreign affairs as the country is not prepared to listen to any view which does not concur with that of the Prime Minister. The same has been more or less the case with me and I may say that I have ceased to take the same degree of interest in the foreign affairs of the country which I used to take at one time. That being so I do not feel quite competent to deal with the subject you have raised.

With kind regards,

Yours faithfully,
(Sd.) B.R. Ambedkar.

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Reprinted: Khairmode, Vol. 11, p.69.

37

FLOOD-CONTROL USE OF ATOMIC POWER

By Dr. B. R. Ambedkar

Recently we have heard and read a great deal about floods in India and the methods of flood control. As a member of the Viceroy's Executive Council, I happened to be in charge of Irrigation. I then established a Department called the Irrigation and Navigation Commission, which I believe has been renamed River Control Board, Central Water Power Commission and so on.

These organisations have made proposals for flood control which appear in the press from time to time. It was expected that some sure remedy would be found by these organisations. But we now find that whatever the proposals their implementation has failed completely to control the floods. It has also been reported from Shillong that it is difficult, almost impossible, even for engineers to say what steps can successfully control the Brahamaputra floods, and that an experimental bund was constructed at a cost of Rs. 14,00,000 and that it has been washed away in the floods.

Embankments

We also hear that Government has given up the new idea of controlling floods by damming the rivers, and has gone back to the antiquated idea of embankments and of invoking therewith mass help for the job.

In this connection I would like to draw the attention of the Government of India and of the engineers concerned in the matter to a proposal which has been put forth by an eminent engineer and which has been published in a Bombay contemporary September 10, 1954, under the heading *Atomic Science to the rescue written by 'Observer.'*

The proposal to which I wish to draw attention is a simple one, namely using atomic power for flood control. On reading the statement in the paper, "Observer", I was greatly attracted to it and made enquiry as to who the author of this proposal was, I learnt that he is one Mr. C.S. Pillai. I discovered that he has been in the

civil engineering profession for more than thirty years, and has already had some experience in such work. He says that till the development of atomic research to its present stage, the most common methods revolved round science of bunds, embankments or revetments. Recent advances in the science of river-training, however, have brought new knowledge and techniques which could be employed with some effect in controlling the rivers which bring so much misery year after year. He further asserts that 'these methods and techniques may be utilised as stop-gap measures. But for permanent remedies we must look elsewhere.'

I questioned him to explain to me his permanent plan of controlling river floods. I reproduce below that he told me :

"The development of atomic science brings the hope that there is a permanent way. The river of sorrow can be brought under control, tamed and trained as we desire and serve our purposes by the application of what is known as nuclear fission. The application of this method will be easily understood by those who have worked out Ohm's Law of saturation, current and disruptive discharge and consolidation over the trajectories caused by the action of neutrons."

"How does this Ohm's Law work and what is its relation to atomic science ?"

Neutrons

"Atomic physicists can answer this question more fully. It is possible to produce today torrents of neutrons by nuclear reactors. These torrents of neutrons can be made to penetrate easily the fathoms of river water to regulate the water levels as well as the catchment areas. Thereby the flood flow can be controlled and regulated so as to serve our needs in irrigation and power projects. The rest of the flood water can be instantly evaporated.

"It may be asked why neutrons are so effective as probes of matter. The answer is simple. Neutrons have no electric charge. Unaffected by the clouds of negative charge with which electrons surround the atomic nuclei Neutrons pass easily through the depths of water and dredge the silt and sand and even scrap the rock-beds to any desired depth and discharge the entire stuff either

on both banks of the river or into the sea, according to our will, in a matter of days, if not of hours. In the process the river-beds are simultaneously consolidated as also the river-banks on the lines of the trajectories."

The problem of floods is a constantly recurring problem, and there cannot be a greater destructive force than this. In solving it Government should not depend solely upon the wisdom and scientific knowledge of their own officers.

It is their duty to welcome any suggestion coming from any quarter and examine it on its own merit. Safety lies in a multiplicity of proposals."[1]

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[1] : The Times of India, dated January 18, 1955.

38

STRONGLY OBJECT CREATION Of MONOLITHIC MONSTROUS STATES

Dr. B. R. Ambedkar issued telegram to Pandit Jawaharlal Nehru regarding formation of linguistic States. The telegram is as follows:—Editors

17-1-1956

TELEGRAM

Pandit Jawaharlal Nehru,

NEW DELHI.

Regret inability attend Parliament, Doctor strongly object my travelling to Delhi. Wanted to express my views in Parliament over issue of linguistic provinces. Being unable to do so. I am conveying views to you by this telegram. Am speaking on behalf of Federation. Federation like Bombay go Maharashtra but do not mind Bombay made separate State. However very strongly object creation of such monolithic monstrous States as U.P., Bihar, Maharashtra. Federation feels these States not only great danger to Central Government will also be great danger to minorities and Scheduled Castes. Federation wants U.P., Bihar be divided into three States. Maharashtra also be divided into three States. There be no protection to Scheduled Castes under aegies of State in which overwhelming majority is opposed to recognition of Scheduled Castes as human beings. I request you pay serious attention this question. Fear consequences might be very serious. Scheduled Castes are now without any political safeguard. In their desparation may take to any kind of violence.

Ambedkar.[1]

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[1]:Khairmode,Vol. 10, Pp. 56-57.

39

AMBEDKAR'S RECIPE FOR MAHARASHTRA

Voice of the People

The communications I have received indicate that the Maharashtrians are not quite satisfied with the proposals that I recently made in the Rajya Sabha over the Maharashtra-Bombay issue. They are afraid that in Bombay City they may not get the majority.

The Gujeratis, on the other hand, realise that with 15 per cent of Gujerati population in a house of 100 they would not have more than two to four seats. Both the communities will remain helpless and chafe at each other. I, therefore, make another suggestion.

The Maharashtra State, I suggest, should be divided into two States, one of which should consist of—(1) Greater Bombay ; (2) Thana district; (3) Colaba ; (4) Ratnagiri ; (5) Kolhapur and (6) Marathi-speaking parts of Surat district, Belgaum and Karwar districts. The dividing line is Sahyadri mountain.

The advantages of this division are :—(1) it can give Maharashtrians majority over Bombay through North Bombay ; (2) it is a separate cultural unit; (3) it is a separate linguistic unit and (4) the total area of this unit is 19,800 sq. miles with a total population of 9,067,413, which makes it a sizable State. The people are both maritime and martial.

I do not see why the Brahmins are insisting on United Maharashtra. Even then, there will be two rival claimants for power, Shri. B. S. Hiray and Shri Ramrao M. Deshmukh. Possibly, Dr. Punjabrao Deshmukh may have his own view.

There is another point which is raising dificulty and that relates to the capital of the second division of Maharashtra. The Deccan Brahmins want Poona, while the present Madhya Pradesh Brahmins want Nagpur. Others suggest the third alternative of the Legislature's session being held alternately at these two cities. I condemn all the three alternatives. I am sure that under the name of United Maharashtra we are not calling Peshwai back. I suggest

the capital of United Maharashtra be Aurangabad. Adjacent to it is Daulatabad which was the capital of Maharashtra until it was destroyed by the Muslims. It has a fine climate.

The question must be decided immediately. Whatever the Congress High Command may say, there is not the slightest chance of a Gujerati voting for a Maharashtrian candidate and the Maharashtrian voting for the Gujerati Candidate.

Dr. B. R. Ambedkar (New Delhi)"[1]

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[1] : The Free Press Journal, dated 31st May 1956.

SECTION IV

INSTITUTIONS, ORGANISATIONS AND THEIR CONSTITUTIONS

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1

BAHISHKRIT HITKARINI SABHA

Dr. Ambedkar organized a meeting on 9th March 1924 at Damodar Hall, Bombay, with objectives to establish a Central Institute which would place the grievances of the Untouchables before the Government and after many discussions, Central Institute was established. He proposed the name of the Institute as 'Bahishkrit Hitkarini Sabha' which was supported by all. The Vow of the Institute was decided "Educate, Agitate and Organize" and was approved unanimously.

Mr. Sir Chimanlal Harilal Setalvad, LL.,D. became the President of Bahishkrit Hitkarini Sabha and Mr. Never Nissim, J. P. was Vice President, Mr. Rustamji Jinwala, Solicitor, Mr. G. K. Nariman, Dr. R. P. Paranjape, Dr. V. P. Chavan, Mr. B. G. Kher, Solicitor, were included in the Committee. Dr. B. R. Ambedkar was the Chairman of the Managing Committee while Mr. S. N. Shivatarkar, Secretary and Mr. N. T. Jadhav was Treasurer. The Bahishkrit Hitkarini Sabha was established on 20th July 1924 and was registered under the Act XXI of 1860.

Dr. Ambedkar framed constitution of this institution. Following is the text of the constitution.— Editors.

BAHISHKRIT HITKARINI SABHA

(Registered under the Society Registration Act)

Rules of Constitution

Established

20th July 1924

Head Office

Damodar Hall, Parel

Bombay - 12.

Printed at the Co-operative Printing Press,
91, B, Parel Road, Near Venus Cinema,
Chinchpokli, Bombay-12.

BAHISHKRIT HITKARINI SABHA

Memorandum of Association

I. The name of the Society will be :—

"**Bahishkrit Hitakarini Sabha"**

II. Its activities will be confined to the Presidency of Bombay.

III. The Head Office of the Sabha will be situated in Bombay.

IV. The aims and objects of the Sabha will be—

(*a*) To promote the spread of education among the Depresses Classes by opening Hostels or by employing such other means as may seem necessary or desirable.

(*b*) To promote the spread of culture among the Depressed Classes by opening Libraries, Social Centers and Classes or Study Circles.

(*c*) To advance and improve the economic condition of the Depressed Classes by starting Industrial and Agricultural Schools.

(*d*) To represent the grievances of the Depressed Classes.

(*e*) To organize or help any club, association or any movement calculated to bring about the general enlightenment, social rise or economic betterment of the Depressed Classes.

(V) In pursuance of the above objects and for the purpose of carrying out the same:—

(1) To purchase, hire, lease or otherwise acquire any rights and privileges necessary or convenient for the purpose of the Sabha.

(2) To erect, construct, alter and maintain any building or buildings necessary or convenient for the purpose of the Sabha.

(3) To sell, improve, develop, exchange, lease, mortgage, dispose of, turn to account, manage or otherwise deal with all or any part of the property or rights and privileges of the Sabha.

(4) To accept donations or property for general or specific purposes of the Sabha on condition or conditions not inconsistant with the aims and objects of the Sabha.

(5) To amalgamate with or incorporate within itself any Society or Association with aims and objects similar to the aims and objects of the Sabha.

VI. The Government of the Sabha will be conducted by :

(i) Board of Trustees

(ii) Council of Management

(iii) Board of Control

appointed in accordance with the rules of the Sabha.

VII. At any meeting of the Board of Trustees, Council or Management and Board of Control, the quorum will consist of 10, 7 and 15 members of those bodies respectively. No quorum will be necessary for any adjourned meeting.

VIII. No member of the Board of Trustees, Council of Management and Board of Control will be entitled to any pecuniary benefit from the properties and funds of the Sabha by reason of its being such member of the Board of Trustees, Council of Management or Board of Control.

RULES

1. Any person either male or female who is above the age of 18 years will be eligible for membership of the Sabha.

2. Any person desirous of becoming a member of the Sabha may apply on the form of application provided for that purpose.

3. The Council of Management will have power to admit or refuse any application for membership.

4. The General Body of the Sabha will have power of dismissing any member of the Sabha for gross misconduct endangering the interest of the Sabha by a vote of 3/4 of the members present at the meeting.

5. The members of the Sabha will be classified as follows:

(i) Patrons : Those who pay Rs. 3,000 or more in one sum or in such suitable instalments as the Council of Management may approve of.

(ii) Supporters : Those who pay Rs. 2,000 or more in one sum or in such suitable instalments as the Council of Management may approve of.

(iii) Sympathisers: Those who pay Rs. 1000 or more in one sum or in such suitable instalments as the Council of Management may approve of.

(iv) Life Members: Those who pay Rs. 500 or more in one sum or in such suitable instalments as the Council of Management may approve of.

(v) Associate Members : Those who pay Rs. 200 or more in one sum or in such suitable instalments as the Council of Management may approve of.

(vi) Ordinary Members : These will be of the following classes :

A	:	Those who pay	Rs.	25	per	Year
B	:	” ” ”	Rs.	10	”	”
C	:	” ” ”	Rs.	5	”	”
D	:	” ” ”	Rs.	3	”	”
E	:	” ” ”	Re.	1	”	”

Board of Trustees :

6. There will be 16 Trustees of the Sabha for life in whom will be vested all the immoveable and moveable property of the Sabha as well as all the funds of the Sabha in whatsoever form. Of these 16 at least 4 shall be residents of Bombay.

7. The Board of Trustees will be elected in the first instance by the General Body of the members of the Sabha. Any vacancy occurring in the Board of Trustees by death, resignation, incapacity or residence abroad will be filled up by a vote 3/4 of the General Body of the members of the Sabha assembled for that purpose within 6 months from the occurrence thereof.

8. The Board of Trustees will at all times contain a member or members of the Mahar, Chambhar, Mang and Dhed communities and shall be so constituted that it would have 4 Trustees from Konkan, 2 from Gujarat, 2 from Kanerese and 8 from other districts of the Bombay Presidency.

9. All property moveable and immovable and all funds will be held in the name of the Trustees.

10. The Council of Management will submit an annual Budget of Expenditure appropriated under convenient major and minor Heads with the Expenditure to be incurred thereon in the coming year and the same shall come into operation as passed by the Trustees. Provided that the Council of Management may submit supplementary budget at any time during the course of the year.

11. The Trustees will meet at least once a year within three months from the close of the previous official year of the Sabha for the purpose of passing the Annual Budget and will meet as often as may be necessary for passing supplementary budget on the requisition of the Council of Management. At all meeting of the Board of Trustees the majority vote will prevail.

12. At all Budget meeting of the Board of Trustees the Chairman of the Council, the General Secretary and the Treasurer will sit as additional members. Provided that none of them will have the right to vote unless they are themselves Trustees.

13. There will be previous notice of one month for every meeting of the Board of Trustees and for every meeting of the General Body of the members of the Sabha for the purpose of electing a Trustee.

14. The Trustees will have the right by a resolution duly passed, to delegate their powers to one or more of their members and to

authorise that certain properties and funds will be vested in or dealt with in the name of one or more of their members.

15. The Trustees will have the right of voting on any proposition or question by circular issued in that behalf by the General Secretary. All Resolutions so voted on by circular will be embodied in the minute book of the Board of Trustees.

16. The Trustees may choose from among themselves a chairman for their meeting from time to time who will sign the minutes of the meeting before the meeting is dissolved.

17. The Secretary of the Sabha will be ex-officio Secretary of the Board of Trustees and shall prepare the minutes of every meeting of the Board of Trustees.

Council of Management

18. The Council of Management will be the executive of the Sabha for the official year and will consist of 20 members of the Sabha constituted as follows:

(i) Four elected every year by the Board of Trustees from such among themselves as are residents at Bombay.

(ii) Twelve elected every year by the General Body of the Sabha.

(iii) Four co-opted every year by the 16 composed of (i) and (ii) from among the Depressed Classes members of the Sabha.

19. Any vacancy occurring in the Council of Management by death, resignation, incapacity or residence abroad of any member thereof will be filled up by the remaining members of the Council by a resolution duly passed at a meeting to be called for the purpose.

20. The Council will have the power :

(a) To hold and manage the funds and properties of the Sabha for the purpose of the Sabha on behalf of the Trustees of the Sabha.

(b) To hire, purchase or otherwise, acquire and dispose of properties and materials for the benefit of the institutions and activities of the Sabha in the name of the Trustees of the Sabha.

(c) To organize any activity or open any institution falling within the aims and objects of the Sabha.

(d) To abolish any institution or activity permanently or temporarily : provided that no Hostel will be abolished permanently or temporarily except by the vote of the 4/5th of the Trustees of the Sabha.

(e) To open or close Branches of the Sabha wherever and whenever it appears advisable to do so.

(f) To appoint the staff or other workers from time to time and fix their salary and terms of employment and to suspend and dismiss them when necessary.

(g) To frame, alter and amend bye-laws regulating the various activities of the Sabha and the conduct and management thereof and the bye-laws to framed will have the force of rules until the same are amended or abrogated by the Board of Control.

(h) To declare a vacancy if a Member of the Council fails to attend four meetings of the Council in succession.

(i) To maintain a regular list of all contributors.

(j) To arrange for the convening of the meeting of the General Body of the members of the Sabha and the meetings of the Board of Trustees and the Board of Control.

21. The Council will at its first meeting elect from its own members one Chairman, one General Secretary and one Treasurer. Besides these the Council may elect one or more of its members to act as Assistant Secretaries or Organizing Secretaries to be in charge of specific functions or activities. Any vacancies in the post of these office bearers occurring during the course of the year may be filled at the next ordinary monthly meeting by the remaining members of the Council by a resolution duly passed at a meeting to be called for the purpose.

22. The Chairman, General Secretary and Treasureres will be jointly responsible for the proper deposit and withdrawal of moneys belonging to the Sabha. They will deposit the moneys in the name of the Trustees of Sabha in the Bank or Banks appointed by the Council.

23. All withdrawals of money will be in strict conformity with the Budget and will be operated upon under the joint signatures of the Chairman, General Secretary and Treasurer.

24. The meetings of the Council will be ordinary or special.

25. All receipts and withdrawals of moneys of the Sabha shall be placed before the next ordinary monthly meeting of the Council.

26. Ordinary meeting of the Council will be held on or about the 15th of every month.

27. Any ordinary meeting adjourned for want of quorum will again meet on five days' clear notice on such day as the Chairman or in his absence, the General Secretary may fix.

28. Seven days' clear notice is necessary for the ordinary meeting of the Council and the agenda must be circulated with it.

29. The ordinary meeting of the Council will transact business as under:

(a) Reading of Minutes of the last meeting.

(b) Passing of montly statements of accounts and reports from the institutions, brances of the Sabha and of activities.

(c) Disposing of letters, proposals and other communications submitted by the Secretaries.

(d) Deciding upon questions relating to the general administration of the affairs and estate of the Sabha.

(e) Passing of bills and expenditure incurred.

(f) Any other business with the permission of the Chairman.

Special Meeting of the Council

30. The Chairman or Secretary may convene a special meeting of the Council at 3 day's notice.

31. Any four members of the Council may, by a written requisition to the General Secretary call for a special Meeting of the Council which will be Summoned by him within 10 days from the receipt of the requisition.

32. The requisition will specify its purpose and the same will be circulated along with the notice of meeting.

33. The rules as to quorum at an ordinary meeting will also apply to the special meetings of the Council.

Chairman

34. The Chairman will :

(a) Preside at all meetings of the Council and in case of equality of votes he shall have a casting vote in addition to his own as a member :

Provided that in the absence of the Chairman such member of the Council as may be voted to the chair will preside and will exercise such of the powers of the Chairman as pertain to the conduct of the meeting of the Council

(b) decide all questions of order and procedure at the meeting of the Council and his decision will be final

(c) sign all vouchers

(d) carry on all foreign correspondence of the Sabha

(e) communicate to the President and Vice-Presidents the minutes of the business transacted at the ordinary and special meetings of the Council.

General Secretary

35. The General Secretary will :

(a) be responsible for and be in charge of all the records of the Sabha

(b) convene all meetings of the Council, Board *of* Trustees and the Board of Control whenever necessary, according to Rules of the Sabha and will record minutes of proceedings of their meetings

(c) call for the monthly statements of accounts and other reports from the heads of institutions and brances of the Sabha and will record minutes of proceedings of their meetings

(d) carry on the home correspondence of the Sabha

(e) keep a proper register of the members of the Sabha with their proper addresses

(f) submit an annual report to the General Meeting of the Sabha.

Treasurer

36. The Treasurer will :

(a) receive all subscriptions and donations collected on behalf of the Sabha and pass receipts for the same

(b) keep regular books of accounts

(c) make all disbursements

(d) prepare and submit to the Council every year a statement of income and expenditure of the Sabha including statements of separate accounts of the various institutions properly audited by the Auditor appointed by the Sabha at the previous Annual General Meeting and forward the same to the Secretary for being annexed to the Annual Report of the Sabha.

Board of Control

37. The Board of Control will be the collective body of the Sabha and will consist of:

(a) The Trustees of the Sabha

(b) The workers of the Sabha

(c) Patrons

(d) Life members

(e) Sympathisers

(f) Associate members

(g) One representative of every Branch of the Sabha.

(h) The President, Vice-Presidents, the Chairman, General Secretary, Assistant Secretaries, Organizing Secretaries and the Treasurer.

38. The Board of Control will supervise the management of the affairs of the Sabha by the Council of Management whether or not it is in accordance with the rules and in case of any serious breach the President or any of the Vice-Presidents may call upon the Chairman of the Council to give proper explanation.

39. The President of the Sabha, of his own motion or at the written requisition of 10 members of the Sabha may call upon the Secretary to convene a meeting of the Board of Control which will be summoned within a month and a half from the receipt of the communication of the President in that behalf. The Council of Management will be bound by the resolution of the Board of Control on the matter in question, if passed by 2/3rd majority of the members present at the meeting.

40. There shall be previous notice of one month for every meeting of the Board of Control.

41. The President of the Sabha will preside at every meeting of the Board of Control. In his absence, any of the Vice-President present at the meeting may be voted to the Chair.

42. At all meetings of the Board of Control majority vote will prevail except when it is otherwise provided for by these Rules.

43. The General Secretary will be the ex-officio Secretary of the Board of Control and shall be responsible for recording the minutes of the preceedings of the Board which will be prepared and signed by the President before the meeting is dissolved.

General Body of The Sabha

44. There will be held every year in the month of February, a Meeting of the General Body of members of the Sabha.

45. The official year of the Sabha will close on the 31st December and the Annual General Meeting will be held every within two months after the close of the previous official year.

46. Only those members who have paid their subscription will be entitled to vote.

47. There will be a month's previous notice for the meeting of the General Body of the members of the Sabha.

48. The President of the Sabha will preside at the Annual General Meeting of the Sabha. In his absence any of the Vice-President who is voted to the chair may preside.

49. The following business shall be transacted at the Annual General Meeting :—

(a) To hear and adopt the Annual Report for the past year.

(b) To elect 12 members for the Council of Management for the coming year.

(c) To appoint an auditor for the coming year.

(d) To elect one President and Vice-Presidents, not more than six for the coming year.

50. These articles of association and Rules of Consitution may be altered, amended, repealed or added to at any time by a vote of the 4/5th of the members of the Sabha present at a meeting specially convened for that purpose, provided that the same alteration, amendment, repeal or addition shall not have any force unless it is approved of by 3/4th of the Trustees of the Sabha.

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Activities of the Bahishkrit Hitkarini Sabha at Bombay .—
See appendix—XI

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DEPRESSED CLASSES INSTITUTE

Dr. B. R. Ambedkar had attended the First Round Table Conference at London, in the year 1930. During his stay, he drafted an appeal on behalf of the Depressed Classes Institutes to get the financial assistance from the Head of the Princly States for the upliftment of the Untouchables. As a result of his efforts he got the financial assistance. He did this work vigorously. Similarly at the time of Second Round Table Conference he drafted the appeal in November 1931 and distributed.

This is the text of an appeal.

Appeal
on behalf of
the Depressed Classes Institute

ORGANIZATION

The Depressed Classes Institute is an organization of the Depressed Classes which is conducted by members of the Depressed Classes in the interest of the Depressed Classes. The aim of the Institute is to raise the Depressed Classes from their present-day down-trodden condition to a status of social and political equality in Indian Society and to promote their economic welfare.

The Institute was established in June, 1925, and has been functioning since then. The Institute is intended to be an All Indian Organization with branches all over India. But owing to want of resources the activities of the Institute are confined to the Presidency of Bombay. The Institute functions through the agency of social workers who are pledged to work for the uplift of the Depressed Classes. They are mainly drawn from the Depressed Classes and are scattered over the various districts of the Presidency of Bombay. The activities of these social workers are* directed and co-ordinated by a managing Council of the leading members of the Depressed Classes at the headquarters of the Institute located in the city of Bombay.

Activities of the Institute

During the short period of five years which has elapsed since its establishment the work of the Institute has grown to such enormous proportions that it is impossible to give even a summary of it within the scope of this leaflet. All that can be done is to indicate the lines of activity undertaken by the Institute in pursuance of its aim, namely; the elevation of the Depressed Classes. These activities may be classified under the following heads :

(1) **Propaganda.** The Institute publishes a newspaper called Janata (The People) with the object of enlightening the Depressed Classes on their special problems and also on the general problems of the day in so far as they affect them. It educates them into a realization of their civic rights, ventilates their grievances and creates public opinion in favour of speedy redress. The guiding principle of the paper is equality. Until last month it was a fortnightly paper. It is now converted into a weekly. The Institute also publishes other literature from time to time on various subjects for the education of the Depressed Classes.

(2) **Civic Rights Campaign.** Although there are many cases in which the Law allows civic rights to the Depressed Classes there are a legion in which custom stands in the way of the Depressed Classes benefiting by them. One of the objects of the Institute being to secure to the Depressed Classes the enjoyment of their civic rights, the Institute has had to tackle all those cases in which there is no bar of law but in which the Hindu majority will not allow the Depressed Classes to enjoy those rights on the ground that such an act is an affront to their dignity and a transgression of the social status assigned by custom to the Depressed Classes in Indian Society. The complaints made to the Institute by members of the Depressed Classes regarding infringements of their rights are untold and the volume of work done by the Institute in this connection is beyond description, cases in which Depressed Classes were refused accommodation in a school, in a bus, in a ferry, or in a roadside inn, etc. Besides attending to individual cases of infringement of civic rights the Institute takes up what may be called test cases for ascertaining the exact legal position of the Depressed Classes as to their civic rights in relation to certain matters. Three years ago the Institute took the question of the right of the Depressed Classes to public water Courses and fought

a civil suit at an enormous cost, which was decided by the court of the First Instance in favour of the Depressed Classes. The High Caste Hindus have appealed against this decision and the matter is now pending in the Court of Appeal. The Institute is agitating for securing to the Depressed Classes a right of worship in the Temple and the Institute is also thinking of concluding the question by filing a test case in a Court of Law.

(3) **Redress of grievances**. Many of the grievances of the Depressed Classes arise from administrative action taken by the Departments of the Government. It must be borne in mind that the Public Service of India is overwhelmingly composed of the High Caste Hindus. Their antipathy to the Depressed Classes is notorious and the cases in which the administrative and even judicial officers have abused their powers by siding with the High caste Hindus in disputes between them and the Depressed Classes are by no means few. The Institute has paid special attention to this matter and has maintained a special establishment to make representations to Government on behalf of a member from the Depressed Classes aggrieved by an unjust order of a Department. The Institute has also taken upon itself, in many a case, the burden of an appeal to a higher judicial tribunal or has helped a private party to prosecute an appeal in cases of wrong done by the lower judiciary whenever the case was of general importance to the Depressed Classes and which was beyond the means of a private party.

(4) **Welfare Work.** One of the besetting sins of the Depressed Classes is their poverty. Nine-tenths of their poverty, however, is due to the fact that owing to untouchability, almost all the avocations of life have been closed to them. The Institute since its start has been trying strenuously to improve the economic condition of the Depressed Classes. In this connection it had to struggle hard for securing the enlistment of the Depressed Classes in the department of the State which are now closed to them. The efforts of the Institute have been remarkably successful. Not only have the Depressed Classes secured a larger enlistment in the various departments but they have also been able to get admission in departments which before this were closed to them on account of their Untouchability. Enlistment in the Police department may be cited as an instance in point. Another means by which the Institute has sought to improve the economic condition of the

Depressed Classes is to secure for them land so that they may work as independent farmers. There are many parts of the Bombay Presidency in which there is waste land. Government leases this waste land at a rental for anyone who cares to take it for cultivation. Before the Institute came into existence the whole of this Government waste land used to be given to caste Hindu farmers. Applicants from the Depressed Classes never got a single piece of this waste land from the Revenue Officials who had the power of disposal, the Institute has ever since its establishment, fought for the right of the Depressed Classes to get for cultivation, a fair share of this land and suceeded in getting the policy of the Government in regard to the disposal of such land modified by a favoured treatment proviso applicable to the Depressed Classes. It may now be said to the credit of the Institute that, by its efforts, quite a number of Depressed Classes families, which were earning their living as agricultural labourers, have risen to the status of independent farmers.

Need of the Institute

The principle needs of the Institute are three. *First* is the enlargement of its Printing Establishment. The Institute maintains a Printing Press of its own called the Bharat Bhushan Punting Press. The purpose in having a press of its own has been two-fold. One purpose was to have no difficulty in printing the newspaper 'Janata' which the Institute conducts and other propagnada literature which the Institute issues from time to time. The other and more important purpose was to make the Printing Press a source of income to finance the activities of the Institute. The Printing Press, however, far from being a source of income has been a burden to the Institute. The Printing Press being very small in its equipment., the Institute is not able to take either book-work or job-work at the competitive rates prevailing in the market, the cost of production on a small machine being relatively high. The Institute must either enlarge the equipment of the Press or do without the Press. The latter alternative is impossible under the present circumstances of India, for there is always the probability of a conspiracy among printers who are mostly caste Hindus to refuse to print a newspaper run by the Depressed Classes. *The second need of the* Institute is for a building of its own for its headquarters in Bombay. The Institute is, at present, not housed

under one roof. Its offices are scattered and are maintained in the private apartments of members in charge of the various activities. Housing the Institute in rented rooms has its own difficulties. The inability of the Institute to bear the expense is, no doubt, one of them. The difficulty of getting accommodation in flats on account of Untouchability and the liability of being asked to vacate at any moment on account of protest made by orthodox tenants are factors which often come in the way of the Institute getting decent accommodation for housing itself. Under the system of scattered offices co-operation and co-ordination of the various activities of the Institute have been difficult and the work of the Institute has been there by rendered inefficient. The *third need* of the Institute is to have whole time workers to carry on its activities. At present the Institute has only part-time workers who have undertaken to devote their spare time to carry on this work of social uplift. To them the work is largely labour of love. This is due to the fact that the Institute is unable to maintain a body of workers on full pay. This is the greatest drawback in the organization of the Institute and the relief value of the work of the Institute to the suffering among the Depressed Classes who stand in need of it is considerably diminished on account of the inevitable discontinuity and laxity arising from the fact that the workers are only spare-time workers. The only way of removing the drawback is the engagement of a body of regularly paid workers who will devote the whole of their time to social work.

Wanted £ 40,000

These three principle needs of the Institute for (1) *Press Fund* (2) *Building Fund,* and (3) *Maintenance Fund* are estimated to require a capital sum of £40,000. As is well known, much larger amounts have been subscribed in support of causes less urgent and perhaps less humane than that of Depressed Classes of India. The Institute, therefore, hopes that with the support of the philanthropic public, it will not be impossible to collect this amount. Like most other causes of humanity it is undoubtedly one which seeks to bring hope and light to a people who are stagnant and destitute and who arc struggling against the forces of darkness. But there is something in the cause of the Depressed Classes which gives it a pathos all its own. It is not the cause of humanity which is sung by reason of misuse of opportunities. It is the cause of humanity

which has been held down by the opponents in all stubbornness to a state of degradation and whose efforts to rise have been ruthlessly frustrated all along by orthodex Hinduism. This appeal in the interests of the Depressed Classes is not merely to Hindus or to Indians. It is made to all members of the British Empire whose prime liablility the Depressed Classes are. It is also an appeal to Europeans and to Americans as well. It is an appeal to all who look upon it as their duty to befriend and advance the cause of fallen, or what may be more appropriately called, "felled" humanity, and the Institute trust that this appeal will not go in vain. The sum needed is considerable. But it is not beyond the capacity of many if they joined to share the burden.

Last year this appeal succeeded in eliciting, within a very short time, the following donations :

1.	H. H. Sir Tukojirao Holkar ex-Maharaja of Indore		£	360
2.	H. H. the Nawab of Bhopal	... ...	£	200
3.	H. H. the Aga khan	... ...	£	175
4.	H. H. the Maharaja of Baroda	... ...	£	150
5.	H. H. the Maharaja of Bikaner	... ...	£	100
6.	H. H. the Maharaja of Kashmir	... ...	£	100
7.	H. H. the Maharaja of Patiala	... ...	£	100
8.	Sir Cowasji Jehangir	... ...	£	75
9.	Maharajadhiraj of Darbhanga	... ...	£	50
10.	The Chief of Sangli	... ...	£	25

All these donations are gratefully acknowledged and it is hoped that this generous response will be followed up by another more generous than the last.

B. R. AMBEDKAR,
President, Depressed Classes Institute.
Permanent Address
DAMODAR HALL,
PAREL,
BOMBAY 12,
November 1931. INDIA.

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*Reprinted from a leaflet printed at the Weardale Press, Ltd., 26, gordon Street, London, W.C.I, and Bedford.

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INDEPENDENT LABOUR PARTY

Dr. B. R. Ambedkar, having discussed with his colleagues, formed a Political Party, called Independent Labour Party. Aim behind forming the party was to concentrate and solve the problems and grievences of the landless, poor tenents, agriculturists and workers. On this background Dr. Ambedkar was interviewed by the Times of India' wherein the explained the aims and objects of the party.

Following are the salient features of the Independent Labour Party—Editors.

INDEPENDENT LABOUR PARTY

Its formation And Its Aims

(Reprinted from the Times of India
15th August, 1936)

Independent Labour Party

Publications

No. 1

A new political party has been organised in Bombay for the purpose of contesting the elections in the Bombay Presidency under the new Constitution to both Chambers of the Legislature. It is known as the "Independent Labour Party" and has been formed by Dr. B. R. Ambedkar, the Depressed Classes leader.

It appears that originally Dr. Ambedkar's idea was to organise a party exclusively of the Depressed Classes. But its programme was specifically worded in terms of the needs of these Classes. But at the desire of his friends from other classes, he has consented to give a general name to the party and has worded the programme in more general terms. The Party is open to any one who wishes to stand for election on the Party ticket and work in the Legislature in accordance with the programme formulated for the purpose.

BROAD PROGRAMME

In an interview with a representative of the Times of India Dr. Ambedkar declared that having regard to the fact that the present was no time for the parties communally organised, he had in agreement with the wishes of his friends "broadened the name and also the programme of the Party so as to permit political co-operation between the other classes and the Depressed Classes." The nucleus of the Party would still be the fifteen members of the Depressed Classes. But members of the other classes were free to join the party.

Dr. Ambedkar added that the Depressed Classes possessed large voting strength in constituencies in which no seat was reserved for them, and it would be possible for them to place that voting strength at the disposal of any candidate, who cared to become a member of the Party.

He made it clear that the Party membership was open to persons of all creeds and communities, although the Depressed Classes votes could by reason of the law be made available to persons belonging to such communities and creeds as were included in the general electorate. Already some persons from other classes had expressed their willingness to join the Party, and other who cared to take advantage of that opportunity might corresponds with the Secretary of the Party at the office, of the Party.

Questioned what cohesion the Independent Labour Party would have, Dr. Ambedkar pointed out that the Party was not going to be a miscellaneous collection of members of the Legislature, who after getting elected, each on his own, would befriend one another in the Lagislature, and agree to vote together. The party would have its roots in the electorate, and its members would have fought the election as such, would have pledged to the electorate to uphold a common and clearly definded programme, and to be bound by the rules of discipline framed by the Party.

Open to All

Asked what prompted him to select that particular name for the Party, Dr. Ambedkar explained that the Party would be independent of every other political organisation, although it would be ready to co-operate with any other political party where co-operation was possible. The Party was a labour organisation in the sense that its programme was mainly to advance the welfare of the labouring classes. The Party believes in having correct ideology suited to the section of the people whose interests it regards as paramount. The word 'Labodur' is used instead of the words 'Depressed Classes', because labour includes the Depressed Classes as well.

AIMS OF PARTY

Working The Constitution Despite Defects

Explaining the programme of the Party, Dr. Ambedkar said that it had been formulated after mature consideration and in consultation with all those who were interested in it, so far as the new Constitution was concerned.

"The Party recognises that the new constitution is full of defects and falls much short of full responsible Government. The Party objects to serveral features of the Provincial Constituion, particularly the institution of the second Chamber. All the same, the party believes in working the Constitution. But while prepared to work the Constitution, the party will strive to see that the Special Emergency and Reserved Powers vested in the Governor, are not exercised in a manner which altogether nullifies the system of responsible Governments."

As regards the economic question

(1) "the Party will undertake to establish Land Mortage Banks, agriculturist producers', co-operative societies and marketing societies with a view to improving the productivity of agriculture.

(2) "The Party thinks that fragmentation of holdings which in the opinion of the party is a severe handicap in the way of the application of capital and improved methods of cultivation to agriculture and is therefore a direct cause of the poverty of the agriculturists.

Pressure of Population

"The Party, however believes that the fragmentation of holdings and the consequent poverty of the agriculturists are mainly due to the pressure of population on land, and unless the pressure is relieved by draining off the excess population subsisting on land, fragmentation will continue, and the condition of the agriculturists will remain as poverty-stricken as its is today. In the opinion of the party the principal means of helping the agriculturists and making agriculture more productive consists in the industrialisation of the Province. The party will, therefore, endeavour to rehabilitate old industries and promote such new industries as the natural resources of the Provinces will permit.

(3) "To raise the efficiency and the productive capacity of the people the Party will endeavour to undertake an extensive programme of technical education.

(4) "The Party accepts the principle of State Management and State Ownership of industry whenever it may become necessary in the interest of the people.

(5) "The Party willl endeavour to remove all obstacles to free and full life and to alter, amend or abolish any economic system which is unjust to any class or section of the people.

(6) "The Party will undertake legislation to protect agriculture tenants from the exaction and evictions by the landlords in general and in particular the tenants under (a) the Khoti System, and (b) the Talukadari System.

(7) "The Party will endeavour to provide for the workers, agricultural as well as industrial a minimum standard of living compatible with civilised life.

(8) "For the benefit of the industrial workers the party will endeavour to introduce legislation to control the employment, dismissal and promotion of employees in factories, to fix maximum hours of work, to make provision for the payment of adequate wages, for leave with pay, and as many amenities of life as possible, and to provide payment to the workers of bonuses, pensions of other provisions on retirements from active work, on account of old age or other incapacity. The party will also introduce a scheme of social insurance which will provide the workers against sickness, unemployment and accident. The party will endeavour to provide cheap and sanitary dwellings for the workers.

(9) "For the benefit of the agricultural workers the party will endeavour to extent to them the same benefits which it proposes to secure for the industrial workers with such modifications as circumstances may require.

(10) "The Party accepts the principle that it is the duty of the State to relieve unemployment, and the party will therefore endeavour to carry out this obligation by introducing schemes of land settlement and by starting public works to provide for the unemployed and the landless labourers.

(11) "The Party will undertake legislation to protect the debtor class from undue exactions, usurious delings and fraudulent transaction of the money-lenders and endeavour to tackle the problem of rural indebtedness.

(12) "The Party will undertake legislation to afford adequate protection to the lower middle class in the matter of house rents, in industrial centres in big cities and towns."

Taxation Problems

The attitute of the Party towards taxation is that "it believes that for the improvement in the well-being of the people every Government must undertake a large number of nation building activities and that these activities can be undertaken only when

Government has money in it treasury. This money can come mainly from taxation levied on the people. A prosperous Government is the best guarantee of good Government.

"The Party thinks that to preach reduction of taxation as a principle and to tell the people that the reduction of taxation even at the sacrifice to useful nation-building activities is in their interest, is to misguide the people and to deceive the poorer classes. This does not mean that the Party wishes to keep the system of taxation as it is. On the contrary the Party sees great objection to the system of taxation now in operation. The Party definitely recognises that the present system of taxation is unjust and weighs heavily on the poorer sections of the population. The Party will endeavour to rectify this inequity in the general system of taxation. The Party has great objections to the present system of leavying land revenue and it will undertake legislation to make it more equitable and more elastic."

SOCIAL REFORM

Legislation Plans

With regard to social reform :

(1) "The Party will undertake legislation for the advancement of all necessary social reform (i) to prevent social reformers from being outcasted by the orthodox and (ii) to penalise all forms of organised attempts at direct action such as terrorism and boycott to prevent individuals or classes from exercising the rights and liberties given to them by law.

(2) "The Party will undertake legislation to regulate the administration of all public charities with a view to preventing the mismanagement and misapplication of the charity funds and to secure the use of any surplus that may be left over to the advancement of such secular purposes as education etc.

(3) "The Party will undertake legislation to deal with the Problem of beggars and other destitute persons."

Rural Reconstruction

"The attitude of the Party towards rural reconsturction is :

(1) "The Party will endeavour to make village life cheerful by providing as many amenities of life as may be necessary for the object in view.

(2) "The Party will endeavour to improve village sanitation and housing by introducing a scheme of village planning some what on the lines of town-planning.

(3) "The Party will endeavour to establish village libraries, village halls, village radious and rotary cinemas in order to modernise the outlook of the village and to make him a progressive persons."

Education

In matters of education ;

(1) "The Party will give effect to the scheme of free and compulsory primary education.

(2) "The Party will undertake a scheme of adult education so as to make all people literate.

(3) "The Party will lay special emphasis on technical education.

(4) "The Party will endeavour to provide facilities for higher education in India and abroad by means of State aid to deserving persons from communities which are educationally backward.

(5) "The Party will undertake legislation to reorganise the university education in the Presidency by establishing regional universities and to make them teaching universities. The Party believes that this is the only remedy by which the course of examination which has blasted the intelligence and effort of the student population can be removed."

Administration

The altitude of the Party towards the administration is:

(1) "The Party will endeavour to see that the administration is good, efficient and free from corruption.

(2) "To secure the ends of good and efficient administration the Party will endeavour (i) to secure the separation of the Judiciary from the Executive and (ii) to amend the *Vatan* system in a way suited to modern conditions.

(3) "The Party will also endeavour to prevent the administration from becoming the monopoly of any single caste or community. Consistently with efficiency of administration the Party will endeavour to bring about a fair admixture of all castes and communities in the administration of the Presidency."

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Shri Laxmi Narayan Press, Bombay 2.

4

INDEPENDENT LABOUR PARTY: WIDE SUPPORT

Dr. Ambedkar on aim of Organisation

The growing influence of the party and the wide spread support it was receiving from the progressive elements in the Bombay Presidency and outside were emphasised by Dr. Ambedkar to a representative of 'The Times of India' prior to his depature for Geneva by the 'Lloyd Triestino Steamer Conte Verde' on Wednesday night.

The Independent Labour Party which was recently formed in Bombay has bright chances of success in the forthcoming elections to the new Provincial Legislature according to Dr. B. R. Ambedkar, Leader of Depressed Classes, who formed the party.

Dr. Ambedkar pooh-poohed the claim of the Congress that it would safeguard the interests of the masses and was emphatic that the "exploiters in the Congress will not allow it to work for the masses."

"I have been agreeably surprised to find that the publication or the aims and objects of the Independent Labour Party has aroused considerable interest among the General Public," said Dr. Ambedkar, referring to the numerous inquiries that were being made regarding the future programme of the party.

Branch in Central Provinces

"A Branch of the Party has already been formed in the Central Provinces," he added," In the Bombay Presidency, a large number of persons of different classes and communities have generously responded by joining the Party.

"The economic programme of the Party, as also its social and educational Programme, and the fact that the Party has not been organised on communal lines have met with wide acceptance. Although the Party is in its infancy, it is gaining wide-spread support from various progressive elements all over the Presidency."

Fundamental Differences

There were two fundamental differences between the programme and the policy of the Congress and that of the Independent Labour Party. The Congress wanted to capture the legislatures with a view to destroying the new constitution. The Independent Labour Party, on the other hand, wished to enter the legislatures in order to work that constitution for what it was worth.

The Congress claimed to safeguard the interests of the masses, so did the Independent Labour Party. But, added Dr. Ambedkar, the Independent Labour Party feels that by its very composition the Congress is not free to serve the masses. The Congress is a heterogeneous body composed of the exploiters as well as exploited, and it is quite certain that the exploiters in the Congress will not allow the organisation to work for the massess.

A combination of the exploiters and exploited might be necessary for the purposes of achieving political freedom, but to seek to form a common party consisting of exploited and exploiters for purposes of social reconstruction was to deceive the masses, continued the leader of the Depressed Classes.

Membership of Party

The Independent Labour Party, in Dr. Ambedkar's opinion did not want to increase its strength in the legislature by admitting anybody and everybody in its fold. The Party wanted to avoid being a collection of heterogeneous elements.

"Confining its membership to persons who accept its programme without reservation and who have on other affiliations," said Dr. Ambedkar, "the Party has decided to put up fewer candidates for the ensuring elections than it was possible for the party to do."

Although there was work to be done in the legislatures, in the view of his party there was much more important work to be done outside the legislatures in educating the masses, placing before them the correct ideology and organising them for political action through the legislatures.

Appeal to Public

Dr. B. R. Ambedkar thought that a party like the Independent Labour Party was necessary and appealed to all workers, peasants and the lower, middle classes to join it in large numbers and thus make it a mass organisation. He also stated that for the purpose of educating the masses and carrying on propaganda a committee consisting of eight persons had been appointed.

In addition to the candidates nominated to seats reserved for the Scheduled Castes, the Independent Labour Party has decided to put up for the present the following candidates for election to the Bombay legislature :—Mr. A. V. Chitre (Ratnagiri North), Mr. S. V. Parulekar (Ratnagiri South), Mr. S. G. Tipnis (Kolaba), Mr. V. A. Gadkari (Poona East), Mr. C. T. Ranadive (Thana South), and Mr. B. V. Pradhan (Khandesh East)."[1]

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The Times of India, Thursday, 12th November 1936

1: Reprinted : Khairmode, Vol. 7, Pp. 50-53.

5

I HAVE CHOSEN BOMBAY AS A PLACE FOR THE COLLEGE FOR THREE REASONS

Dr. B. R. Ambedkar submitted an application to the Government of India for a loan for setting up a college in Bombay. This is the text of the application—Editors

To,

The Hon'ble Sardar Sir Jogendra Singh,
Member-in-Charge of the Department of Education,
Health and Lands, New Delhi.

Sir,

I beg to submit this application to the Government of India for a loan without interest Rs. 6,00,000 (Rupees Six Lakhs) for setting up College in Bombay for the promotion of Education among the Scheduled Castes and pray that it may be favourably considered.

2. The Hartog Committee which was appointed in 1930 to examine the condition of education in India and its spread among the various communities summarized the position regarding the spread of education among the Scheduled Castes which were then called the Depressed Classes in the two following tables which are taken from its Report (page 220):—

TABLE—XCIV

Number of depressed classes (boys and girls) under instruction by stages and by provinces

Province (1)	Primary stage (2)	Middle stage (3)	High stage (4)	Collegiate stage (5)
Madras	224.873 (a)	2,647 (b)	..	47
Bombay	58,651 (a)	730 (c)	..	9
*Bengal	310,398	8,787	5,996	1,670
United Provinces ..	88,383	1,367	42	10
Panjab	14,284	914	110	Nil
Bihar & Orissa ..	24,574	52	7	Nil
Central Provinces ..	33,123	1,022	59	16

(a) Number in primary schools only.
(b) Number in middle and high stages.
(c) Number in primary, middle and high stages of secondary schools.

*In taking these figures for Bengal the Committee drew attention to the fact that they included class not 'depressed'.

TABLE—XCV

Pupils of the depressed classes in institution for girls by stages and provinces

Province	Primary stage	Middle stage	High stage	Collegiate stage
(1)	(2)	(3)	(4)	(5)
Madras	7,276	230	14	2
Bombay	5,739 (a)	159 (a)	1 (a)	Nil
*Bengal	28,086	49 (b)	5 (b)	3 (b)
United Provinces ..	2,204	8	1	Nil
Panjab	398	2	Nil	Nil
Bihar & Orissa ..	2,210 (c)	Nil	Nil	Nil
Central Provinces ..	521 (c)	3 (c)	Nil	Nil

(a) Includes aborigines, Hill and Criminal Tribes.

(b) Includes all backward classes.

(c) Number of girls in boy's school and Girl's schools.

3. This is a most deplorable state of affairs. Between 1929 and now some inprovement might have taken place although there is no exact data to measure the progress. But the fact that the Departments in the Government of India have not been able to fill the quota of the $8^{1}/_{2}$ p.c. of the vacancies reserved for the Scheduled Castes by the Government of India by its Resolution of 1943 due to insufficiency of qualified candidates is an indication that the condition of education among the Scheduled Castes reproted to be existing in 1929 has not materially altered during the interval.

4. From the point of view of raising the status of the Scheduled Castes and from the point of view of giving them social security from those elements in Indian Society which are hostile to them higher education particularly College education is more important to them than primary education. The welfare of the Scheduled Castes depends entirely upon a sympathetic public

service and that the public service if it is to be sympathetic must be representative of the different element in the national life of the country, and particularly of the Scheduled Castes. Further the representation of the Scheduled Castes in Public Services if it is confined to ministerial post can be of no use to the community in its struggle for uplift no matter how numerous are the posts that are given to them. Primary and Secondary education for a Scheduled Caste student may be good from the standpoint of providing a career for an individual. But it cannot raise the condition of the Scheduled Castes. The status and condition of the Scheduled Castes will be improved only when the representatives of the Scheduled Castes come to occupy executive posts as distinguished from ministerial posts. Executive Posts are strategic posts, posts from which a new direction can be given to the affairs of the State. The attainment of Executive post, it is obvious, requires a high degree of education. Consequently the primary aim in the education of the Scheduled Castes should be to make provision for those students who reach the College stage so that they may be able to complete it and thereby fit themselves for Executive posts.

5. There are a number of reasons why the Scheduled Castes students drop out when they have reached the College statge. The first and foremost reasons is their poverty, second is difficulty in getting admission in a College, third is absence of freeships and fourth is want of hostel accommodation. Some of these difficulties can of course be overcome by financial aid from Government. But there is one difficulty that cannot be solved by financial aid. It relates to admission in Colleges. Admission in Colleges are fixed in number either by University or by Government. Only a certain number of boys can be admitted. This creates a great difficulty in the way of the Scheduled Castes students who wish to pursue College education. This appears to be a general difficulty. But it hits hard the Scheduled Castes students far more than it does students of other Communities. This is due to the fact that College education is in Private hands, and most of the Colleges are run by private bodies which are communal in their organization and in

the matter of their staff. The outlook of the Colleges is on this account largely communal. This communal outlook has its effect on granting admissions. The result is students belonging to special communities or higher communities get preference in the matter of admissions and students belonging to the Scheduled Castes are either refused admissions on the ground that the numbers are full or are considered last when only a few vacancies are left. The situation has been considerably worsened by the influx of population in large towns where most of the Colleges are concertrated. The enormously increased number of students wanting to enter Colleges has made admission a matter of greater difficulty than it was before.

6. Such a situation cannot be allowed to continue. It must be remedied immediately. The only effective remedy seems to be to establish Colleges in Selected Centres which have the education of the Scheduled Castes as its primary aim. The other Communities do not mind this competition for the simple reason that most have got their own Colleges. This is true of other Minority communities such as Sikhs, Muslims, Indian Christians and Anglo-Indians, each of which" maintain under their control various Schools and Colleges in which the education of their communities receives first consideration. But the Untouchables having no such institution at their command suffer most from this competition for admission. 1 propose to make a beginning by starting a College in Bombay which will have such an aim and will endeavour to carry it through. According to my calculations it will require a sum of about Rupees Six Lakhs to set up such a College. In pre-war time it could have been done with a lesser amount. But having regard to the rise in the cost of material I do not think that the College could be stalled on anything less than this amount. As to the rasing of this amount it is impossible to expect the Scheduled Castes who are the poorest community in India to be able to raise this amount. I am therefore obliged to request the Government of India for a loan of the amount without interest to be repaid by suitable instalments. The properties of the proposed College will be mortgaged to Government as a security for the loan.

7. I mention below some important particulars about the proposed College in order to indicate how it will function :—

I. It will be managed by a duly constituted body registeredunder the Charitable Societies Act,

II. It will have two sides Arts and Science.

III. It will be non-Communal in as much as :

(i) It will be open to students of all Castes and creeds, only it will pay special regard to the educational interests of the Scheduled Castes students.

(ii) The teaching staff will be mixed staff. There will be no bar on the ground of race, religion or community.

(iii) Subject to the Regulations of the Universities in India it will be open to Scheduled Castes students of all Provinces without any kind of discrimination.

8. I have chosen Bombay as a place for the College for three reasons. Firstly, I propose to take upon myself the duties of the Manager of the College and also take part in teaching as soon as I am free from the responsibilities of my present office. In the initial stage I feel I must take these responsibilities on my own shoulders. This I can do better if the College is located in Bombay. Secondly, there is an acute need for more Colleges to provide College Education to the enormous number of students who have now congragated in Bombay and who cannot find admission in any of the existing Colleges. According to press reports applications for opening ten new Colleges are pending before the Senate of the University of Bombay which shows how vast in the number of students in want of admission. With the prospect of drawing a large number of these into the College I feel confident that the College will pave its way and there is every chance of the College showing profit. Thirdly, having been a professor of Economics in the Sydenham College of Commerce, Bombay, Principal of the Government Law College, Bombay, a Member of the Senate and Syndicate of the Bombay University I feel that 1 can get recognition for the proposed College more readily from the Bombay University than from a University outside that Province.

9. I have selected a site for the College with an approximate area of six acres. It belongs to the Bombay Municipality. It is the only site left in Bombay which can be regarded as suitable for a College. If I lose the site I shall have to abandon my project which will be a great valamity. I can proceed with the negotiations only on the assurance that I can raise funds which is I have said I can do only by way of loan from the Government of India. I do not proposed to draw the amount of loan immediately. It will remain with the Government of India. It will be drawn as and when need to draw arises.

10. As I am anxious to secure the site I shall be grateful if my application is granted without delay.

1st February 1945,
22, Prithviraj Road,
New Delhi.

I remain,
Yours faithfully,
(Sd.) B. R. Ambedkar.

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6

Memorandum of Association

of

THE PEOPLE'S EDUCATION SOCIETY MUMBAI

(Estd. 8th July, 1945)

Founder:
Dr. B. R. Ambedkar
M.A. Ph.D., D.Sc,
LL.D., (Columbia). D. Litt., (Osmania) Barrister-at-Law.

Head Office:
Anand Bhavan,
Dr. Dadabhai Naoroji Road,
Fort, Mumbai-400 023.

Registered under the Society's
Registration Act XXI of 1860. Registration No. 1375 of 1945-46
Date 9th July, 1945 and the Bombay Public Trust Act, 1950
(Bombay XXIX of 1950) Registration No. F 303 (Bom.)
Dated : 2nd June 1953.

PEOPLE'S EDUCATION SOCIETY, MUMBAI.

Bard of Trustees

1. Shri K. B. Talwatkar (Trustee)
2. Hon'ble Shri K. H. Ranganath (Trustee)
3. Shri S. S. Rege (Trustee)

Members of the Governing Body

1. Dr. S. P. Gaikwad, G.C.A.M. (Chairman)
2. Shri S. S. Rege, B. A., Dip. LIB. Sc. (Dy. Chairman)
3. Shri K. B. Talwatkar, M. A., LL.M., S.E.M.
4. Dr. P. T. Borale, B. A., LL.B., Ph. D. (Law)
5. Shri M. S. Moray, B. A., LL.M.
6. Prof. S. K. Mohagaonkar, M.Com.
7. Hon'ble Shri K. H. Ranganath, B.Sc., B.L.
8. Padmashri Dr. M. L. Shahare, M.Sc., Ph.D.
9. Prof. S. L. Khot, M. A., LL.M.,
10. Prof. Arun M. Donde, M.A., LL.B., Ex. MLC.

Secretariate

Prin. D. J. Gangurde, M.Com., LL.M., Secretary

MEMORANDUM OF ASSOCIATION OF THE PEOPLE'S EDUCATION SOCIETY, MUMBAI.

Name and objects of the society

1. The society shall be called the People's Education Society and shall be managed and administered by the Buddhists.

2. The office of the Society shall be at Bombay or at such other place as may be decided from time to time.

3. The aims and objects of the society shall be :-

(a) To provide facilities for education, secondary, collegiate, technical, physical and the like;

(b) To start, establish, conduct and/or aid educational and Buddhist religious associations such as schools, colleges, vihars, hostels, libraries, playgrounds, Buddhist Institutes etc. at suitable places in the State of Maharashtra as well as any other parts of India;

(c) To provide facilities for education of the poor and the Buddhists;

(d) To create and foster general interest in education among the Scheduled Castes and Buddhists who are converted from amongst the Scheduled Castes and in particular to give them special facilities, scholarships and freeships for higher education;

(e) To promote science, Buddhist and other literature and fine arts and to impart useful knowledge in comparative studies of religion;

(f) To purchase, take on lease or otherwise acquire property for the Society and to invest and deal with the moneys of the Society in such manner as may from time to time be determined;

(g) to construct, maintain, rebuild, repair, alter, replace or reinstate houses, vihars, buildings or works for the purpose of the society;

(h) to sell, dispose off, improve, develop, exchange, lease, mortgage or otherwise alienate or deal with all or any property of the Society;

(i) to co-operate, or affiliate the Society or any Institution or Institutions run by or belonging to the Society with a view to securing further advancement of the aims and objects of the Society especially of Buddhists;

(j) to raise money with or without security for carrying out any of the propose, aims and objects of the Society;

(k) to procure the Society to be registered or recognized in any state in India;

(l) to do all other lawful things and acts as are incidental or conducive to the attainment of any of the aforesaid aims and objects.

II - Subscribers and patrons

4. Any person paying Rupees ten per year as subscription to the Society shall be eligible to be enrolled as a subscriber of the Society and shall be entitled to the privileges of the subscriber.

5. Any person paying a lump sum donation of Rs. 500 or more to the Society shall be eligible as a patron of the Society and shall be entitled to the privileges of a patron.

III - Control and management

6. The Sociey shall have :-

(i) A Governing Body;

(ii) A Bard of Trustees;

(iii) A General (originally managing) Council;

And

(iv) An Executive Committee for every College, Vihar, School or other institution or a group thereof as the Governing Body may decide for the Management of its affairs.

7. The Governing Body shall consist of eleven members. Out of these eleven not less than seven shall be persons from amongst the Buddhists who are converted from amongst the Scheduled Castes.

7. (a) The Governing Body shall have power to invite any person or persons to be *ex-officio* members of the Governing Body for per poses specified in a special resolution making such appointments. Such a person shall have no right to vote on any question which falls outside the scope or purpose for which he has been appointed.

Where any dispute arises as to whether the question falls within the scope or the purpose, the decision of the Chairman shall be final.

8. The Board of Trustees shall consist of three persons appointed by the Governing Body from among its own members. Of these, at least two shall belong to Buddhists converted amongst the Scheduled Castes.

9. All the properties and funds of the Society shall vest in the Board of Trustees, save as herein otherwise provided.

9. (a) The Board of Trustees shall have the rights to sue and be sued on behalf of the Society in respect of the properties and funds of the Society.

10. (1) There shall be a General Council to supervise and co-ordinate the work of all institutions of the Society. The General Council shall consists of not less than fifteen members nominated by the Governing Body. Out of these 15 members 11 shall be from the Governing Body of whom 8 shall be from the Buddhists who are converted from amongst the Scheduled Caste members of the Governing Body. The rest shall be from the subscribers and patrons.

(2) Unless otherwise provided by the Governing Body the head of every institution will be an *Ex-officio* member of the General Council.

(3) The Resolutions of the General Council shall be recommendatory only.

11. For every College, Vihar, School or Institution of the Society or a group thereof as Governing Body may decide there shall be an Executive Committee. The Executive Committee shall consist of not less than five and not more than seven members

appointed by the Governing Body, one of whom shall be the Dean or Principal of the College or School or Institution, the Registrar of the institution, not less than two from the Buddhists who are converted from the Scheduled Castes and one who in the opinion of the Governing Body is an Educationist.

12. The Chairman of the Governing body, who shall be Buddhist, shall be an *Ex-officio* member and Chairman of the Board of Trustees, General (Originally Managing) Council and all Executive Committees. He will be a member of these Bodies in addition to the number of members specified in the above clauses.

12. (a) (1) The Executive authority of the Society shall vest in Chairman.

(2) All deeds, documents and assurances requiring to be executed by or on behalf of the Society may be executed by the Chairman alone and shall be binding on the Society.

13. The supreme control and Governance of the Society, its institutions, its property and its funds shall be vested in the Governing Body.

14. The first members of the Governing Body shall be :-

1. The Hon'ble Dr. B. R. Ambedkar, M.A., Ph.D., D.Sc, Barrister-at-Law, New Delhi.
2. Rao Bahadur, N. Shivraj, B.A.,B.L., M.L.A., Madras.
3. Daulatrao Gulaji Jadhav, B.A., LL.B., Bombay.
4. Raja Ram Bhole, B.Sc, LL.B., Poona.
5. J. H. Subbiah, B.A., Secunderabad.
6. Hirjibhai Khushalbhai Patel, B.A., LL.B., Bombay.
7. G. T. Meshram, New Delhi.
8. Rao Bahadur S, K. Bole, Bombay.
9. M. V. Donde, B.A., Principal, Gokhale Eduction Society's High School, Parel, Bombay.
10. S. C. Joshi, M.A., LL.B., New Delhi.
11. M. B. Samarth, Barrister-at-Law, Bombay.

The Hon'ble Dr. B. R. Ambedkar shall be the first Chairman of the Governing Body and after him he shall always be a Buddhist.

15. The membership of the Governing Body and Board of Trustees may terminate either on death, incapacity, resignation or removal.

16. The term of the office of the members of the General (Originally Managing) Council and of the members of the Executive Committee other than the Dean or Principal and Registar shall be for three years unless terminated by death, incapacity, resignation or removal. A person whose term of office has expired will be eligible for renomination. The Dean or Principal and Registrar shall countinue as members of the Executive Committee so long as they hold office as Dean or Principal or Registrar.

17. The Governing Body shall have power to remove any member of the Governing body, of the Board of Trustees, of the General (Originally Managing) Council and of any Executive Committee from the body provided that three-fourth of the members of the Governing Body present at a meeting specially called for the purpose vote in favour of his removal.

18. The present Chairman of the Governing Body shall appoint or nominate his successor.

19. In case there is no valid nomination of the successor to the present Chairman, or the person so nominated refuses or fails to accept or ceases to hold the post of any reason whatsoever the Chairman shall be elected by the remaining members of the Governing Body.

20. Subject to the provision herein contained all vacancies in the Office of the other members of the Governing body, the Board of Trustees, the General (Originally Managing) Council or the Executive Committee shall be filled by the Governing Body provided that a vacancy of Buddhist converted from the Scheduled Castes member shall be filled by a person belonging to Buddhist who is converted from amongst the Scheduled Castes only and no other.

21. The Chairman of the governing Body shall be Executive Officer of the Governing Body and will act in consultation with the members of the Governing Body in matters of General Policy and finances.

22. (i) The Chairman may appoint a member of the Governing Body to act as the Deputy Chairman in his absence and delegate to him such authority as he may choose to do.

(ii) The Chairman may also appoint a person to act as the Secretary of the Society and prescribe in writing the duties of the Secretary, his salary and term of his office.

(iii) The Governing Body may also appoint from among themselves one member of the General Secretary of the Society. His term of office shall be three years.

23. The Governing Body may appoint necessary staff for carrying on its affairs and also for running its institutions, fix their scales or pay and service conditions and frame standing orders or rules for the guidance and directions of the staff, authorities and Bodies of the Society and may frame Regulations defining their functions, powers and duties.

24. For each college, Vihar, School or Institution or a group thereof as the Governing Body may decide, the Governing Body may appoint a Registrar.

25. Subject to the superintendence and control of the Chairman, the Registrar will work under the head of the institution. He will perform all the duties pertaining to the day to day administration of the institution in accordance with the standing orders and regulations of the Society.

IV - Funds of the Society

26. The funds of the society shall consist of grants, donations, subscriptions, fees, gifts, etc. received from time to time.

27. Secretary shall maintain proper books of accounts and other documents of the income and expenditure of the Society.

The accounts of the Society shall be periodically audited by the auditors recognised under the Indian Companies Act and appointed by the Governing Body.

28. The Governing Body shall appoint from amongst the members of the General Council and Executive Committee, or Committee, a Secretary who shall carry on the general work of the Council and of the Executive Committee or Committee respectively. The tenure of the office of the Secretary shall be three years.

29. An annual statement of receipts and expenditure of the Society shall be drawn up by the Secretary of the Society and a consolidated statement shall be kept at the Office of the Society and shall be opened at all times for inspection of the members of the Governing Body, Board of the Trustee, General (Originally Managing) Council and Executive Committee, Patrons and Subscribers.

V - General

30. The Governing Body and other Bodies shall discharge their duties and exercise their powers, authorities and functions in accordance with the Articles annexed to this Memorandum (Schedule - A).

31. The Governing Body shall have power to alter, amend, add or modify the said Articles as may be required by circumstances, provided always that such alteration, amendments, additions, or modifications shall not be inconsistent with the provisions of this Memorandum.

32. This Governing Body shall have power to alter, amend, add or modify this Memorandum save and except provision regarding the composition of the Governing Body, the Board of Trustees, the General (Original Managing) Council and the proportion of representation on each such body of the members of Buddhists who are converted from amongst the Scheduled Castes, the provision regarding the term of the office the first Chairman,

the ex-officio membership of the other bodies of the Chairman, contained in clauses 7, 8, 9, 10, 11, 12, 14, 20, and 21 there of provided that three-fourth of the members of the Governing Body present at the meeting specially called for the purpose vote for such alteration, amendment , addition or modification of the Memorandum,

Signed

B. R. Ambedkar.

S. K. Bole.

M.V. Donde.

S.C. Joshi.

M. B. Samarth.

D. G. Jadhav.

9th July, 1945. H. K. Patel.

SCHEDULE "A"

ARTICLES FOR THE MANAGEMENT AND ADMINISTRATION OF THE PEOPLE'S EDUCATION SOCIETY

1. These Articles shall be called the People's Education Society's Articles.

2. The Governing Body shall meet every six months to receive and consider reports from all institutions and bodies under its control. The other bodies shall hold their meeting once in a quarter and as often as may, from time to time, be necessary for the transaction of the business of the Society, its institutions, etc. as the case may be.

3. The Governing Body shall hold a meeting to be called the Annual General Meeting ordinarily in the month of April each

year, at which the General Secretary shall submit his annual Statement of Accounts and a report of the work and activities of the Society.

4. The Chairman of the Governing Body in his discretion or on a requisition of any three members may, at the time, summon a special meeting of the Governing Body, Board of Trustees, General Council or Executive Committee as the case may be for any cause that seems to him or them to be sufficient.

5. Notices, in writing, of every meeting whether general, special or adjourned shall be delivered or sent through post to each member ordinarily seven clear days before the date of the meeting. But in the case of an adjourned meeting the notice may be of such duration as the period between the date of the original and adjourned meeting will permit. A notice of a meeting shall ordinarily state and place, date and hour of the meeting and the work to be transacted and a notice of special meeting shall further state the specific matter to be discussed thereat.

6. The number of members required to constitute a quorum shall be four for each body for the time being.

The number of members required to constitute a quorum shall be half of the total number of each body for the time being.

6. (a) Every member of the Governing Body or of a Committee of an institution of the Society shall attend regularly the meeting of the Governing Body or of the Committee as the case may be and in the event of his inability to attend such a meeting he shall ask in writing for permission to be absent from the meeting.

7. If a quorum shall not have assembled within half an hour after the time appointed for any meeting the members or member present may adjourn. A meeting may be adjourned by the Chairman upon the adoption of a resolution to that effect. If at such adjourned meeting a quorum is not present the members present shall be a quorum.

8. The Chairman of the Governing Body shall preside at the meeting of those bodies. Each Body shall at its First meeting in April elect a Vice-Chairman for the year who shall preside in the absence of the Chairman. When both Chairman and the Vice Chairman are absent the members shall elect a Chairman for the meeting from among themselves.

9. Unless otherwise provided for in the Memorandum, every matter shall be determined by the majority of votes of the members present and voting on the question. The Chairman shall have a casting vote whether or not he shall have previously voted on the same question, but no member shall give more than one vote.

10. Any resolution passed by the Governing Body, General Council or Executive Committee may be rescinded or varied from time to time by the members at any other meeting of the Body concerned.

11. The Governing Body may, at any meeting, appoint a person or a Committee for making an enquiry or for transacting any business; but every act and proceeding of the person or the Committee shall be submitted to a meeting of the Governing Body for approval and, shall not be binding upon the Society until approved of by the Governing Body.

12. Each Body shall maintain a minute-book Record of entry into office of a member and of the proceeding of the meetings of Bodies shall be entered in the minute-book and shall be signed by the Chairman of the meeting either at the conclusion thereof or at some future time if they shall have been confirmed.

13. Full account shall be kept in proper books of account, to be provided for the purpose of all moneys received and paid respectively on account of the Society and of its institution such book of accounts shall be made up for each year and shall duly audited by qualified auditors, be examined and passed by the Governing Body at their ordinary meeting in the ensuing year or at some other meeting appointed for the purpose and shall thereupon be signed by the Chairman of the meeting.

14. A list shall be maintained of the subscribers and patrons of the Society.

15. An account for the purpose of the Society shall be open and kept with bankers selected by the Governing Body. Every sum of money received on account of the Society shall, without undue delay, be paid in to the credit of that account unless otherwise expressly ordered by the Chairman.

16. All cheques and orders for the payment of money shall be signed by the Chairman of the Governing Body or by a person or persons appointed in that behalf by the Governing Body.

Certified to be a correct copy of the Articles.
5th July, 1945.

B. R. Ambedkar
D. G. Jadhav
S. C. Joshi

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For Branches of the institution at various places, see Appendix—XII

7

APPEAL

BY

The Hon'ble Dr. B. R. Ambedkar,

M. A., Ph.D., D. Sc, Bar-at-Law.,
Member, Governor General's Executive Council.

On Behalf of

THE PEOPLES EDUCATION SOCIETY

THAT the Scheduled Castes, commonly known as the Untouchables, number about 50 millions is clear from the latest Census Report. That the education of the Scheduled Castes is at present in a very backward state all over India and that so far as higher education is concerned they are very far behind the higher classes are well-known facts. That the social and economic condition of the Scheduled Castes ail over India is deplorable is also an admitted fact. It is further realized by all that one of the reasons why the Scheduled Castes have not been able to overcome their difficulties and disabilities is the lack of education amongst them. From these facts, for the solution of the problem of the Scheduled Castes the need of a special organization devoted to this particular work will be fully recognised.

There being so far no such organisation, it was decided to establish the People's Education Society. The Society has been registered under the Registration of Societies Act, XXI of 1860 and is recognized by the Government of India. To promote higher education among the Scheduled Castes all over India is the chief aim of the Society as will be seen from its constitution.

The Society proposes shortly to open in Bombay a full-fledged College for degree courses in both branches, Arts as well as Science, and for pass as well as Honours Courses. The College is not a sectarian institution. It will be open to students of all communities and of all creeds from all Provinces and States. The staff of the College will be as far as possible cosmopolitan. The special feature of the College will be the particular care of the students of the

Scheduled Castes, who will be granted facilities in the matter of admissions, freeships, scholarships and hostel accommodation. The Governing Body of the Society desire to make the College a model institution for imparting higher education. The Society feels highly encouraged by the fact that its project of starting a College in Bombay has received the approval of the Government of India, who have been pleased to give very substantial aid in meeting the initial expenditure. They have agreed to pay to the Society a sum of Rs. 6 lakhs, half as a grant and half as a loan without interest for that purpose.

Owing to the abnormal prices of land, building materials and scientific and other equipment this sum will fall short of the actual requirements. The College will require at least Rs. 15 lakhs. After taking into account the amount provided by the Government of India it will be seen that there will still remain a large sum of Rs. 9 lakhs to be collected by way of donations. The Society, therefore, has to ask for substantial help from other quarters. The Society entertains high hopes and trusts that its appeal for financial help for successfully carrying out its project will receive sympathetic consideration from all those who are interested in the advancement of education is general and that of the Untouchables in particular.

There is a very large population of Scheduled Castes in some of the States and the Society, therefore, appeals to the Rulers of the States for extending to it a generous help in this matter. The Society would be glad to make special provision in the College for the Scheduled Castes students, as well as for the non-Scheduled Caste students, from the States and in particular to agree :

(1) to reserve a certain percentage for admission to the different classes in the College both on the Arts and Science side;

(2) to reserve accommodation in the hostels for students, which will be erected as part of the College building; and

(3) to reserve a certain number of freeships and scholarships.

The Society would be prepared to accept any other reasonable condition which a State making a donation might like to suggest.

The Society submits that, while the College will derive substantial help from such financial contributions, the States will also derive great benefit from the College, in that the Scheduled Caste subjects of the States will find in the College a special institution, charged with the duty of taking special interest in the education of the Scheduled Castes.

The Society, therefore, makes this earnest appeal to the Rulers of the Indian States* and requests them to help the Society by making generous contributions towards the materialization of the project and thereby afford the much-needed facilities for the advancement of higher education, to people of the Scheduled Castes in India and their Scheduled Castes subject in particular. The Society will be glad to furnish any other information that may be required in this connection.

26-11-1945 **B. R. AMBEDKAR**

22, Prithvi Raj Road,

New Delhi.

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Printed at, Delhi Press, New Delhi.

* The Maharaj of Baroda was again approached for financial assistance for establishing a College at Bombay for the benefit of the Depressed Classes. An Appeal in that connection was made by Mr. K. A. Keluskar, on behalf of Dr. Ambedkar—See Appendix XIII.

8

A SOCIAL CENTRE FOR THE UNTOUCHABLES IN BOMBAY

Dr. B. R. Ambedkar was continuously making efforts to generate the funds for the movement of Untouchables to bring the human dignity in terms of social equality to the Indian Community. He was planning to establish a Centre, so as to execute and monitor the activities of the Untouchables. He appealed probably in 1949, to the Princes and the people of India.—Editors.

To
The Princes and People of India
Funds for
A Social Centre for the Untouchables in Bombay
The Scheme needs Rs. 3,25,000/-
Won't You Help ?
An Appeal By
The Hon'ble Dr. B. R. Ambedkar, M.A., Ph.D., D. Sc,
Bar-at-Law,
Member, Governor General's Executive Council

The New Movement among the Untouchables

The down-trodden and degraded condition of the Untouchable-who number today 70 millions of India population—has been one of the major problems of India. The work of raising them to the level of other communities has engaged the attention of many Hindu reformer for ages past. But the phenomenon of the Untouchables taking upon themselves the responsibility of improving their own lot is quite a new one. It is their won struggle for equality and began only 25 years ago.

This struggle has passed through several stages and the movement has gathered strength in spite of repeated rebuffs and constant opposition. The message of self-reliance has reached even the lowest strata; the backwaters of out-of-the way villages and lonely hamlets have been stirred; and the sleepy hollows where once rank superstition, utter self-debasement and abysmal ignorance reigned are now throbbing with new life. The right spirit has

been roused and a real movement has been started. A tremendous force for raising the status both of the Untouchables and this country can be evoked if this movement based on self-respect and self-reliance is efficiently organised. It is on behalf of this social movement that I make the present appeal.

People not intimately acquainted with my activities may be surprised at my present move on behalf of a social movement. They have come to look upon me as a politician. As a matter of fact politics has never been my obsession. It has been my on and off activity. As a student of history I have been profoundly impressed by the view that however important political forces may be in the regeneration of a community, social, economic and moral forces are far more vital and that political forces are only a means to the social, economic and moral regeneration of a people. I have from the very beginning laid greater stress on social movement than on political movement. A very large part of 25 years of my public life has been mainly devoted to the cause of social uplift of the Untouchables. I mention this only to correct the impression that I am only a politician. For it is a wrong impression. I want the public to realize that I have played no insignificant part in giving momentum to the new movement and fostering its growth. In support of my statement I cannot do better than quote Mr. B. G. Kher, a Congressman and former Prime Minister of Bombay, who replying to my speech in the Bombay Legislative Assembly on the Ministers' Salary Bill on 23rd August, 1937 said :-

> "Further (Dr. Ambedkar) made a great deal of competency, a point about which there cannot be two opinions. I am obliged to the honourable member for referring to the competency of the personnel of this Cabinet and for giving us his true opinion. I have a very high opinion of his competency. I also know that he has been doing such service to the Depressed Classes as no one else has been able to do (Hear, hear). May I know from the honourable what salary he gets for this service ? I know that the service he has been rendering to the cause of the Depressed Classes cannot be bought by any amount of money - (Hear, hear). What

the honourable member is doing for the cause of his community cannot be measured by any amount of money. Competency does not depend at all on the salary that one may get. What pecuniary gain does my honourable friend get, may I know, for the very competent service that he is rendering to his community ?" *

I am glad to be able to relie on this reference to me from the Congress quarters. It shows that I have mainly devoted myself to social work in the past.

The Need for a Social Centre

It is my desire that the noble work to which Mr. Kher made reference should be put on a lasting foundation and I am sure that, that must be the view of all those interested in the cause of the Untouchables. There can be no two opinions that if movement is to succeed, it must have at its command three things, (1) a Central headquarter, (2) a well-trained body of devoted workers, and (3) financial stability. Only with these means the movement can be placed on a sound and permanent footing.

Of these three, the establishment of a Social Centre as Central Headquarter must be regarded as the most fundamental. For once a Social Centre is established it will help to co-ordinate all social activities necessary for keeping up the movement, under the scheme which I have framed. It will also provide income to meet the expenditure for running the social activities and maintain a body of devoted workers on full time salary basis.

Suitability of Bombay

There is no doubt that the Untouchables of every Province must have a Social Centre. Indeed it is my plan to provide one each. A beginning must however be somewhere and I have come to the conclusion that Bombay is a place where a beginning may well be made. The spearhead of this movement has been provided by Bombay. It is therefore, in the fitness of things that the foundations of a systematic and permanent organization should be laid in the city of Bombay. For these reasons I have selected Bombay to begin with. It is proposed to establish a Social Centre in Bombay which will serve not only as a model for social, economic and

* Bombay Legislative Assembly Debates 1937, Vol I, P. 272.

educational activities for the uplift of the Untouchables but also as a centre radiating new ideas and co-ordinating the different activities into a harmonious whole.

The scheme of the proposed Social Centre, an outline of which is given later on in this Appeal, will show that it contains all the elements necessary to make the Centre a popular resort for the Untouchables-based on the lines of Social Settlements existing in Western Countries - to raise their standard of social and cultural life by bringing about a wholesome change in their customs and general outlook on life. It will create unity of aim and action among them and place the work of social regeneration on a permanent footing. The main activities which the Untouchables themselves are carrying on at present in Bombay City can be brought together at this centre. The serious handicap caused by want of a suitable place where all the main activities of the Untouchables can be located will be removed by such a Centre.

Centre will be a Public Trust

The scope and functions of the Centre will be governed by a Registered Trust Deed and the funds will be managed by a Board of Trustees.

The aims and objects of the Centre will be those mentioned below :-

(a) Relief from distress and poverty.

(b) Advancement of education.

(c) Relief from tyranny and oppression.

(d) Securing and safeguarding civil rights and privileges.

(e) Eradication of social evils.

(f) Spread of general knowledge and enlightenment with a view to eradicating superstitious practices and beliefs.

(g) Securing and advancing social and religious well-being.

(h) Promoting organised effort for social and economic betterment.

(i) Securing legislative sanction to measures removing civil, social, economic and religious disabilities, disadvantages and discrimination.

(j) Securing the removal of Untouchability.

Functions and Activities of the Centre

The Centre proposes to maintain a body workers devoted to the cause of the Untouchables, whose activities will be so planned as to give full effect to the aims and objects of the Centre. Below is given an outline of the activities of the proposed Centre :-

1. Offices —

The workers carrying on the various activities hitherto meet and transact their work either in rented buildings or at their own dwelling places. With a view to affording facilities to these activities and to co-ordinating them at a central place, the offices of all such institutions will be accommodated at the Centre.

2. Quarters for the workers of the Centre —

Hitherto there has been a band of selfless voluntary workers who are engaged in carrying on the activities in their spare time. It is now contemplated to knit such workers together and give them a well-channelled scope to devote all their time and energy to the cause of the Untouchables and the removal of their grievances and handicaps.

3. Public Hall —

The necessity of a public hall for the Untouchables has been an acute one. It is intended to construct a fairly large hall accommodating an audience of about 2,500. The hall will be used for holding public meetings, women's and students' gatherings, recreational, educational and other social functions.

4. Library and Reading Room —

It is necessary to provide the Untouchables with facilities for the cultivation of their minds with a view to creating among them a sense of appreciation of ideas, art and broad human interests. It is also necessary to provide them with means of engaging their attention during leisure hours to something higher and nobler than is to be found in their drab, dreary life. For this nothing can be more efficacious to serve this objective than the institution of libraries in Untouchable quarters. This will be one of most important activities of the Centre. In addition to this it is

proposed to have a Central Library for students wishing to study the problems of the Untouchables. The problem of the Untouchables is vast enough to engage the energies and attention of many for years to come. There is, however, hardly any facility at present for studying the problem in its proper perspective and in all its manifold ramifications. It is therefore intended to collect the requisite material for such a study by establishing a well-equipped Library and a Reading Room at the proposed Centre.

5. Publications Branch—

The Untouchables are steeped in ignorance and superstition. The evil customs and usages practised by them are appalling. One of the most urgent necessities is to emancipate them from these evil customs and usages. The best way is to issue literature of the sort published by the Rationalist Association. For this purpose it is also proposed to maintain a small printing Press.

6. Volunteers Organization—

Thousands of Untouchables youths all over the country, markedly in the Bombay Presidency and the Central Provinces, have spontaneously formed themselves into organised bands of volunteers called the Samata Sainik Dal. The object of this movement is to inculcate the spirit of discipline and spread the message of the new era among the Untouchables. It is intended to centralise this all important activity and spread it to other parts of the country.

7. Propaganda Performances—

As in the case of the Samata Sainik Dal, a number of Untouchable youths in the Bombay Presidency have formed clubs and stage dramatic performances, at marriage celebrations and other religious and social functions at several places callings themselves Jalsa Mandals. These are amateur dramatic clubs giving performances of self composed plays depicting the evils of baneful social customs on improvised stage before illiterate villagers. It is intended to organise on a sound basis this very useful activity for dissolving old and disseminating new ideas among the masses and to guide it and make it more effective.

Cost of the Centre

According to the proposed plan the requirements of the Centre are detailed below :-

I.	Land - 156' × l32' about - 2,280 sq.yds. value (already taken on lease)	..	Rs. 37,000/-
	Ground rent per year	..	Rs. 2,200/-
II.	Structures :		
1.	Hall-Building consisting of a ground and two upper floors. Ground Floor :—Hall 120' x 62' (with 10' wide Verandah and gallery inside having seating accommodation for about 2,500 persons) Approximate cost.	..	Rs, 75,000/-
	Two Upper Floors:—32 single room tenements 16 on each floor.	..	Rs. 75,000/-
2.	East Wing Building :—Ground and 2 upper floors, 3 double room tenements on each floor -9 in all	..	Rs. 26,500/-
3.	West Wing Building : Ground and 2 upper floors, 3 double room tenements on each floor -9 in all	..	Rs. 26,500/-
4.	Front Building :— Ground and 2 Upper Floors :— Ground Floor :—Printing Press, Gymnasium and Office. Three Upper Floors :— Offices on the 1st floor and 13 double room tenements on each of the remaining 2 floors.	..	Rs. 85,000/-
	Total	..	Rs. 2,88,000/-
	Cost of Land	..	Rs. 37,000/-
	Grand Total	..	Rs. 3,25,000/-

The cost of the Centre is estimated at Rs. 3,25,000/-. The estimate is of course based on prices prevailing in normal times.

These stuctures are designed to serve a three-fold purpose. The first is to house all activities for the promotion of the well-being of the Untouchables under one roof in order to bring about co-ordination and prevent dissipation of effort. The second purpose is to provide a place for the Untouchables to which they can look as a centre of knowledge and inspiration, a place which will provide a meeting ground for the Untouchables for exchanging ideas, for performing social and religious function and act as a centre of culture in which they can take pride. The third and the most important purpose is to provide the Centre with a permanent source of income to maintain itself and to sustain its activities. Most of the buildings are intended and planned for being rented out. They will bring rent which will keep the Centre going and make it self-supporting.

An Appeal to the Princes and People of India

It is a universally recognised fact that the present condition of the Untouchables is the most serious blot, from the humanitarian point of view, on Hindu Civilization and constitutes one of the greatest obstacles to an all-round progress of the Indian nation. The problem needs all the courage, ingenuity, resources and organising power of all the parties concerned for its solution. In spite of the efforts of social reformers and politicians the progress hitherto achieved is far from satisfactory. In fact, it may be safely asserted, that only the fringe of the problem has so far been touched. The Untouchables, considered as a mass, are as backward as ever. Their aspirations for social, economic, educational and political advancement are thwarted at every step, and the habit of depending upon outside help which is being insidiously cultivated may render the Untouchables unfit to fight their own battles. The force which will sweep all the obstacles from their path and really emancipate them from their age-long bondage can, I am sure, come only from whithin. It is because this new movement of the Untouchables is a movement from within that I feel sure that will help and encouragement it will be a success.

It may be said that if the Untouchables are anxious to undertake the work of their salvation they should also take up the responsibility of financing it. I am glad to say that the Untouchables

of Bombay are fully alive to this aspect of their movement. They have already come forward to raise a fund for the building up of the Social Centre by per capita subscription. Every man and woman is prepared to make a contribution to this great cause. Some have already paid and many more will do so before long. But it is equally true that left to their own resources the Untouchables will not be able to raise the whole sum. It will be cruel to ask them to depend upon themselves. The task of building up the Centre cannot succeed without the help of the Princes and People of India. To tell the Untouchables to bear their-own burden may be correct. But will that be considerate ? Have the Princes and People of India no responsibility for the miserable lot of the Untouchables ? If they have is it right that they should refuse to help the Untouchables on the ground that the Untouchables desire to take up the work of their salvation upon themselves ? I am sure that the Princes and People of India have a better regard for the spirit of self-respect shown by the Untouchables than such an attitude would indicate. I am sure there is in them a more acute sense of righteous indignation against the inequities heaped upon the Untouchables and a keener desire to give them the means to enable them to overcome these inequities.

The uplift of the Untouchables must be a joint undertaking in which the Untouchables will supply the resolution and the inspiration for the movement, the sweat and the toil for the movement, and the Indian community must supply the money required for the movement. It is for this reason that I appeal to the Princes and People of India for financial help for the movement.

The Princes and People of India will not, I am sure, fail to realise what tremendous and irresistible force the elevation of the Untouchables will supply to the national regeneration and reconstruction of India. The Social Centre will of course so organise the Untouchables that they will be able to rise socially and culturally above their present level, attain the status of human beings and live on terms of social equality with the rest of the Indian Community. But I am sure that will not be the only benefit arising from the activities of the Social Centre. The Centre will make them active, true and patriotic citizens ready to stand by the cause of the country.

It is on these grounds that I am appealing to all to help me to build up of the Centre. It has become a truism that without raising the Untouchables the country cannot rise and that in their salvation lies the salvation of the country. I am tired of repeating truisms. The time for uttering truisms is gone. The time for action has come. Deeds and not words are wanted. My appeal to the Princes and People of India is made in all earnestness and I am confident that they will respond to it with large hearted generosity.

22, Prithviraj Road, *Sd/-* **B. R. Ambedkar**

New Delhi.

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9

CONSTITUTION OF ALL INDIA SCHEDULED CASTES FEDERATION

The All India Depressed Class conference was held between 17th to 20th July 1942 at Nagpur. Dr. B. R. Ambedkar attended this conference. A resolution was passed unanimously on 19th July 1942 to establish "All India Scheduled Castes Federation." ' All India Scheduled Castes Federation' and the Constitution was made public on 7th September 1942*

That Constitution was amended and finally published in January 1955 as under : Editors

**ALL INDIA SCHEDULED CASTES FEDERATION

CONSTITUTION

President:

B. R. Ambedkar,
M. A., Ph. D., D. Sc, LL. D., D. Litt.,
Barrister-at-Law,
Member, Council of States.

Address :
26, Alipore Road,
Civil Lines,
Delhi January 1955.

*Report of Depressed Class Conference. Nagpur Sessions. Third Session, Held on 18th, 19th and 20th July 1942, published on 7th September 1942, Annexure—No. 4, Pp. 109—121.

**Reprinted from the book printed by K. S. Arora at Thacker's Press, Oak Lane, Fort, Bombay.

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PART I

Date of Coming into Force

ARTICLE I

1. This Constitution may be called the CONSTITUTION OF THE ALL INDIA SCHEDULED CASTES FEDERATION.

2. It shall, except as specified in Parts IX and X come into force on the 1st of May, 1957.

PART II

Aims, Objects and Powers

ARTICLE II

1. The aims and objects of the Federation are :

(i) to organise the Scheduled Castes of India, to educate them and to agitate for their social, economic and political freedom and to make them strive for their well being and advancement;

(ii) to secure for them equality of opportunity and thereby enable them to achieve equal status with their fellow citizens in all walks of life ;

(iii) to engage itself in organising the Peasantry, the landless labourers and the workers in factories and other wage-earners ;

(iv) to undertake educational activities such as starting of Schools and teaching them arts and crafts;

(v) to undertake all activities for the moral and spiritual elevation of the Scheduled Castes: and

(vi) to keep a record of all cases of tyrannies and oppressions practised upon the Scheduled Castes in different parts of the Country.

2. The Powers of the Federation are :

(i) to purchase, take on lease or otherwise acquire property for the Federation and to invest and deal with the moneys of the Federation in such manner as may from time to time be determined ;

(ii) to construct, maintain, rebuild, repair, alter, replace or reinstate houses, buildings, or works for the purposes of the Federation;

(iii) to sell, dispose of, improve, manage, develop, exchange, lease, mortgage or otherwise, alienate or deal with all or any property of the Federation;

(iv) to raise money with or without security for carrying out any of the purposes, aims and objects of the Federation;

(v) to get the Federation registered or recognised in any pan of India; and

(vi) to do all other lawful things and acts as are incidental or conducive to the attainment of any of the aforesaid aims and objects.

PART III

Organisation : Local

ARTICLE III

***I Local Organisation* :**

1. For the purpose of organising the Scheduled Castes under the All-India Scheduled Castes Federation there shall be constituted the following local organisation :

(i) The Village Federation Committee;

(ii) The Taluka Federation Committee;

(iii) The District Federation Committee; and

(iv) The State Federation Committee.

Explanation : Federation Committees in cities with a population of more than two lakhs will have the status of a District Federation Committee.

2. A District means an area comprised in a constituency for a State Assembly.

II Central Organisation :

1. The Central Organisation of the All-India Scheduled Castes Federation shall consist of :

(i) The All India Committee of the Federation;

(ii) The Central Executive Committee of the Federation; and

(iii) The General Session or Special Session of the Federation.

2. All the Local Organisations and the Central Organisations shall be the Constituent Bodies of the Federation.

ARTICLE IV

1. Subject to the explanation herein below any person belonging to the Scheduled Caste, and

(i) whose name is on the voters' list; and

(ii) who accepts this Constitution shall be a member of the Federation and shall have a right to vote in the election to any of the Constituent Bodies of the Federation as may be Federation and shall have a right to vote in the election to any of the Constituent Bodies of the Federation as may be provided for by the Rules.

Explanations : (1) Any person belonging to the Scheduled Castes who is not a member of any other political or any social or religious organisations whose aims and objects are not approved of by the Central Executive Committe of the Federation and who has not by word or by conduct declined to be a member of the Federation shall be deemed to have agreed to be a member of the Federation and accept the Constitution.

(2) Voters' list means list of voters prepared by the State Government for a State Assembly Constituency.

(3) Scheduled Caste means a caste recognised as such by the Constitution of India.

2. Provision may be made by rules for associate member ship of the Federation and the privileges that may be conferred on them. An associate member need not be a member of the Scheduled Caste.

ARTICLE - V

1. The list of Scheduled Caste voters for the Assembly Election of a State shall be the register of members on which elections to the Constituent Bodies of the Federation shall be based.

2. Every such person shall be qualified to vote and shall also be qualified to stand for election unless disqualified by any of the rules made in that behalf by or under the authority of the Federation.

ARTICLE VI

1. For every State recognised by the Constitution of India as a State for the time being there shall be a State Federation Committee with its headquarters located in the capital of the State.

2. The Primary Unit of the All-India Scheduled Castes Federation shall be the Village Committee of the Federation.

3. The Village Federation Committee shall consist of—persons chosen by the Scheduled Castes voters in the village and who are members of the Federation.

4. The Taluka Federation Committee shall consist of—members chosen by members of the Village Federation Committee within the Taluka, in accordance with the quota fixed in the State Working Committee in proportion to the Scheduled Caste population of each village to the total Scheduled Caste population of the Taluka.

5. The District Federation Committee shall consist of—members chosen by the members of the Taluka Federation Committees within each district in accordance with the quota fixed by the State Working Committee in proportion to the Scheduled Caste population of each Taluka to the total Scheduled Caste population of the District.

6. The State Federation Committee shall consist of—members chosen by the members of the District Federation Committees within the State in accordance with the quota fixed by the State Working Committee in proportion to the Scheduled Caste population of each District to the total population of the State.

7. The Village Federation Committee shall elect a Chairman from among its own members. The Chairman shall nominate—members of the Village Federation Committee to constitute a Working Committee. Out of the members of the Working Committee the Chairman shall nominate one member to act as Secretary and another member to act as a Treasurer.

8. The Taluka Federation Committee shall elect a Chairman from among its own members. The Chairman shall nominate—members of the Taluka Federation Committee to constitute a Working Committee for the Taluka. Out of the members of the

Committee the Chairman shall nominate one member to act as Secretary and another member to act as Treasurer.

9. The District Federation Committee shall elect a Chairman from among its own members. The Chairman shall nominate—members of the Committee to constitute an Executive Committee for the District. Out of the members of the Committee he shall nominate one to act as Secretary and another to act as Treasurer. Where there is no District Federation the affairs of the District shall be managed by the State Executive Committee.

10. The State Federation Committee shall elect a Chairman from among its own members. The Chairman shall nominate—members of the Committee to constitute a State Working Committee. Out of the members of the Committee he shall nominate one to act as Secretary and another to act as Treasurer.

PART IV

Organisation : Central

ARTICLE VII

1. The Central Organisation of the Federation shall include the following :

(i) The President of the Federation;

(ii) The General Secretary of the Federation;

(iii) The Treasurer;

(iv) The All-India Committee of the Federation;

(v) The Central Executive Committee of the Federation;

(vi) The All-India Committee of the Federation; and

(vii) The Session or Special Session of the Federation.

ARTICLE VIII

1. The All India Committee of the Federation shall consist of—persons chosen by members of the State Federation Committees out of their members in accordance with the population of Scheduled Castes in each State to the total population of Scheduled Castes in India as determined by the Central Executive Committee.

2. There shall be a Session of the All-India Scheduled Castes Federation every two years. The President of the Session shall be chosen by the members of the State Federation Committees.

3. The President either *suo moto* or on the requisition by one-third of the States Federation of Committees will call for a special Session of the All-India Scheduled Castes Federation.

4. President shall preside over the Session of the Federation.

5. The President shall choose one person from each State Federation Committee to form a Central Executive Committee.

6. The President shall nominate one person out of members of the All-India Committee of the Federation, to act as General Secretary of the Federation.

7. The President shall nominate another person out of the members of the All-India Committee of the Federation to act as a Treasurer.

ARTICLE IX

1. The President of the Federation and members of the State Committees of the Federation shall constitute the All-India Committee of the Federation.

2. The President of the Federation shall be the President of the All-India Committee of the Federation.

3. The All-India Committee of the Federation shall arrange for the implementation of the programme of work laid down by the Session of the Federation and shall have powers to deal with matters and situations that may arise during its term of office.

4. The All-India Committee of the Federation shall have power to frame rules, not inconsistent with this constitution, for regulating all matter connected with the Federation which shall be binding on all subordinate Federation Committees.

5. The All-India Committee of the Federation shall meet as often as required by the Central Executive Committee, or on a joint requisition addressed to the Central Executive Committee by not less than 50 members. Such requisition shall specify the purpose for which the requisitionists desire a meeting of the All-India

Committee of the Federation. A requisitioned meeting shall be held within two months of the receipt of the requisition. At any requisitioned meeting, additional items of business may be brought up by the Central Executive Committee for consideration.

6. At all meetings of the All-India Committee of the Federation other than requisitioned meetings, as far as possible, four hours shall be alloted for consideration of propositions of which due notice has been given by the members of the All-India Federation Committee in accordance with the rules prescribed in that behalf.

7. The presence of twenty-five members shall be enough to form the quorum for a meeting of the All-India Committee of the Federation.

ARTICLE X

1. A General Session of the Federation shall ordinarily be held biannually at the time and place decided upon by the All-India Committee of the Federation or the Central Executive Committee.

2. The General Session of the Federation shall consist of :

(i) The President of the Federation;

(ii) The Ex-President of the Federation;

(iii) Members of the All-India Committee of the Federation;

(iv) Members of the Central Executive Committee; and

(v) Members of the Working Committee of the Village Federation, Taluka Federation, District Federation and State Federation.

3. (i) The Session shall consider resolutions recommended for adoption by the Subjects Committee in the first instance.

(ii) Thereafter, the Session shall take up any substantive motion not included in (i), but which forty delegates have, before the commencement of the day's sitting requested the President in writing to allow them to place before the Session provided, however that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee, and has received the support of at least a third of the members then present in the Subject Committee.

4. The State Federation Committee in whose jurisdiction the Session of the Federation is held, shall make such arrangements for holding the Session as may be deemed necessary and for this purpose shall form a Reception Committee which shall work under its general guidance and which may include therein persons who are not its members.

5. The Reception Committee shall elect its Chairman and other office-bearers from amongst its own members.

6. The Reception Committee shall collect funds for the expenses of the Session and shall make all necessary arrangements for the reception and accommodation of delegates. It may also make necessary arrangements for the visitors.

7. The receipts and disbursements of the Reception Committee shall be audited by an auditor or auditors, appointed by the State Federation Committee concerned, and the Statement of Accounts, together with the audit report, shall be submitted by the State Federation Committee to the Central Executive Committee not later than six months after the termination of the Session. Any surplus funds shall be divided equally between the All-India Committee of the Federation and the State Federation Committee.

ARTICLE XI

1. The All-India Committee of the Federation shall meet as the Subjects Committee under the Chairmanship of the President atleast two days before the Session. The Central Executive Committee or in case a new President has been elected before the Session and there is no Central Executive Committee appointed by him functioning, a Steering Committee to be nominated by him shall submit to the Subjects Committee the programme of work including draft resolutions, for the Session of the Federation. In preparing the draft resolutions it shall take into consideration there solutions recommended by the State Federation Committees and resolutions given notice of by members of the All-India Federation Committee.

2. The Subjects Committee shall proceed to discuss the programme and shall frame resolutions for being moved in the open session. As far as possible, four hours shall be alloted for the

consideration of propositions of which due notice has been given by the State Federation Committees or members of the All-India Committee of the Federation.

ARTICLE XII

1. A Special Session of the Federation shall be held in case the All-India Committee of the Federation so decides or a majority of the State Federation Committees by their resolutions, request the President of the Federation to convene such a special Session.

2. Such a Special Session shall be organised by the State Federation Committee of the State selected for the Session.

ARTICLE XIII

1. The Central Executive Committee shall appoint one of the members of the All-India Committee of the Federation to work as Returning Officer for the election of the President.

Provided that a General Secretary who is a candidate for Presidentship shall be disqualified for such an appointment.

2. Any member of the Federation may propose the name of any member for election as President of the Federation. The proposal must be seconded by three other members. Such proposal must reach the Returning Officer on or before the date fixed by the Central Executive Committee.

3. The Returning Officer shall publish the names of all persons so proposed and it shall be open to any person whose name has been so proposed to withdraw his candidature within seven days of the publication of the proposed names by writing to the Returning Officer to that effect.

4. After eliminating the names of those who have withdrawn, the Returning Officer shall immediately publish the names of remaining candidates and circulate them to the State Federation Committees. If after elimination there remains only one candidate, he shall be declared as duly elected as President of the next Session of the Federation.

5. On a date fixed by the Central Executive Committee, which shall not ordinarily be less than seven days after the final

publication of the names of contesting candidates, each person qualified to take part in the selection shall be entitled to record, for the selection of a President, his vote in the following manner:

(a) On the voting paper, which shall exhibit, the names of the candidates, the voter shall record his vote.

(b) Every voter shall have one vote.

(c) A simple majority shall be enough for the selection of the President.

(d) The State Federation Committee shall immediately forward the ballot box to the office of the All-India Committee of the Federation.

(e) As soon as may be, after the receipt of the ballot boxes, the Returning Officer, shall count the votes recorded for each candidate and a candidate who has secured a majority of the votes shall be declared elected as President.

(f) In the event of any emergency arising by reason of any cause, such as death or resignation of the President, elected as above, the Central Executive Committee shall forthwith fix a date for a fresh election as prescribed above. In case such procedure is not found possible by the Central Executive Committee, it shall convene a meeting of the All-India Committee of the Federation to elect a President.

(g) The President shall preside over the Sessions of Federation held after his election and during his term of office and he shall exercise all the powers of the Central Executive Committee when it is not in Session.

PART V

Duties, Functions and Powers of Office-Holders

ARTICLE XIV

1. The Central Executive Committee shall consist of the President of the Federation and twenty members, including a Treasurer and the General Secretary, who shall be appointed by the President. Ordinarily, members of the Central Executive

Committee will be appointed from amongst the members of the All-India Committee of the Federation but, in special cases a person who is not member of the All-India Committee of the Federation may be appointed, provided, however, that a person so appointed shall cease to be a member of the Central Executive Committee if he is not elected as a member of the All-India Committee of the Federation within six months of his appointment.

2. The quorum for a meeting of the Central Executive Committee shall be seven.

3. The Central Executive Committee shall be the highest executive authorty of the Federation and shall have the power to carry into effect the policy and programme laid down by the Federation and by the All-India Committee of the Federation and shall be responsible to the All-India Committee of the Federation. It shall be the final authority in all matters regarding interpretation and application in all matters regarding the provisions of this Constitution.

4. The Central Executive Committee shall place before every meeting of the All-India Committee of the Federation a report of proceedings of the previous meeting of the All-India Committee of the Federation, and also an agenda of business for the meeting and shall allot time for non-official resolutions of which due notice may have been given by the members of the All-India Committee of the Federation in accordance with the rules prescribed in that behalf.

5. The Central Executive may appoint one or more auditors, or inspectors or other officers to examine the records, papers and account books of all committees of the Federation and organisations. It shall be incumbent on all such committees and organisations to furnish all required information to the Auditors, Inspectors or other Officers and to give them access to all officers, accounts and records.

6. The Central Executive Committee shall have the power :

(i) to frame rules for the proper working of the organisation. Such rules shall as early as possible be placed for the consideration of All-India Committee of the Federation ;

(ii) to issue instructions not inconsistent with the Constitution and the rules in all matters not otherwise provided for;

(iii) to superintend, direct and control all local committees and subordinate committees as well as the Reception Committee ;

(iv) to take such disciplinary action as it may deem fit against the Chairmen or a Committee other than the All-India Committee of the Federation ;

(v) to meet any special situation, the Central Executive Committee shall have the power to take such action in the interest of the Federation as it may deem fit; provided, however, that if any action is taken, which is beyond, the powers of the Central Executive Committee as defined in this Constitution, it shall be submitted as early as possible to the All-India Committee of the Federation for ratification ;

(vi) to frame rules for maintaining discipline in the Federation and for disfranchising and enfranchising members.

7. The Central Executive Committee shall have the powers in special cases of difficulties to relax application of provisions of this Constitution without in any way violating the Constitution.

8. The Central Executive Committee shall have the accounts of the All-India Committee of the Federation audited annually by an auditor or auditors appointed by the All-India Committee of the Federation every year.

PART VI

Relation Between the Local Organisations and the Central Executive Committee

ARTICLE XV

1. Subject to the general control of the President, the General Secretary shall be in-charge of the office of the All-India Committee of the Federation.

2. The General Secretary shall be responsible collectively for the preparation and publication of a report of the proceedings of the Session of the Federation, including its audited accounts, as soon as possible after the Session.

3. The General Secretary shall prepare a report of the work of the All-India Committee of the Federation and the Central Executive Committee including an audited statement of accounts, for the period since the last submission of such report and submit the same to the first meeting of the All-India Committee of the Federation held before the Session of the Federation.

ARTICLE XVI

1. All moneys received for the Federation on behalf of the Central Organisation of the Federation shall be paid to the President and shall be held by him for the use of the Federation.

2. The Treasurer may obtain funds from the President for approved purposes.

3. The Treasurer or any one making any disbursement on behalf of the Federation shall secure a voucher for every item of expenditure incurred by him out of any funds that may be in his hands.

ARTICLE XVII

1. Subject to the control of the Central Executive Committee, every State Federation Committee shall ordinarily function through District Federation Committees.

2. Subject to the general supervision and control of the All-India Federation Committee, the State Federation Committee be in charge of the affairs of the Federation Committee within its own State.

3. An annual report of the work done by the local organisations of the Federation in the State including its audited balance sheet shall be submitted by the Chairman to the Central Executive Committee.

4. On failure of any State Federation to function in terms of this Constitution or in accordance with the direction of the State Federation, the latter may suspend the existing Committee and form an *ad hoc* Committee to carry on the work of the Federation in the State.

PART VII

Finance

ARTICLE XVIII

1. There shall be levied on each village committee of the Federation an amount to be paid annually to the Federation.

2. The levy shall be fixed by the Working Committee of the State in accordance with the Scheduled Castes population of the village which has accepted membership of the Federation.

3. It shall be the duty of the Chairman of the Village Federation Committee to send statement of accounts to the Chairman of the State Federation Committee.

4. The amount collected by the State Federation Committee shall be distributed as follows :

(1) One-eighth shall be allotted to the Village Federation Committee.

(2) One-eighth shall be allotted to the Taluka Federation Committee.

(3) One-eighth shall be allotted to the District Federation Committee.

(4) Five-sixteenth shall be allotted to the State Federation Committee.

(5) Five-sixteenth shall be allotted to the Centre.

5. Every member of the Central Executive Committee of the Federation and every member of the All-India Committee of the Federation whether elected, *ex-officio,* associate or nominated, shall pay an annual fee of Rs. 10 to the Federation.

6. Every member of the Working Committee of the Village Committee, Taluka Committee, District Committee and State Committee shall pay an annual fee of Rs. 5 per year to their respective Committees.

7. The fees due from members of the Central Executive shall form part of the revenues of the Federation. The fees due from members of the Village Committee shall form part of the Village Committee, from Working Committee of the Taluka shall go to the Taluka Committee, of the District to the District, from the Working Committee of the State to the State.

8. Members will not be permitted to take part in any proceedings to which they may otherwise be entitled to if they fail to pay their fees.

PART VIII

Election

ARTICLE XIX

1. The election to the Village Federation Committee, Taluka Federation Committees and the District Federation Committees and for the office of the Chairman shall be by simple majority.

2. The election to the All-India Committee of the Federation and for the office of the President shall be by simple majority.

ARTICLE XX

1. The office of a member of any Committee or Board or Tribunal constituted under this Constitution, shall be vacated by resignation, removal or death.

2. All vacancies shall, unless otherwise provided for, be filled in the same manner in which the vacating member was chosen and members so elected shall hold office for the unexpired term of the seat vacated.

3. In the absence of any provision to the contrary, a Committee or Board or Tribunal, once it is properly constituted, shall not become invalid by reason of any vacancy in it.

ARTICLE XXI

The term of every Committee, every Executive Committee and its office bearers shall be two years.

PART IX

Election Disputes

ARTICLE XXII

1. The State Federation Committee shall at its first general meeting, appoint by a majority of at least three-fourths of its members present and voting a State Election Tribunal consisting of not less than three and not more than five persons.

2. If any State Federation Committee fails to appoint a Election Tribunal as aforesaid, the Working Committee of the State shall appoint an Election Tribunal for that State.

3. Every State Election Tribunal shall hold office ordinariiy for two years but, in any event, shall continue to function till a new tribunal is appointed.

4. A member of an Election Tribunal shall not, while he is such member, hold any elective office in the Federation or stand as a candidate for any election.

5. The Central Executive Committee shall have superintendence over the State Election Tribunal.

6. The Central Executive Committee shall make rules for the conduct of business of the Election Tribunals. The State Election Tribunal may also make regulations not inconsistent with the rules made by the Working Committee for the conduct of business.

ARTICLE XXIII

1. There shall be an Election Tribunal for each State.

2. It shall be open to any candidate within a constituency to lodge a complaint, in accordance with the rules made in that behalf, in respect of any election in that constituency, before the State Tribunal within fifteen days of the declaration of the result of such election and the District Election Tribunal shall decide the complaint and communicate the decision to the parties concerned as expeditiously as possible.

3. Until an election is set aside by the Election Tribunal, the person elected shall be deemed to have been duly elected.

4. The State Election Tribunal shall on its own motion or on the motion of the State Federation Committee or on the motion of the party concerned, have the power to direct that any person found guilty of misconduct in connection with any election, maintenance of a register and the rolls of members, lodging of a false complaint or objection knowing it to be so, shall be disqualified from standing as a candidate for election or be expelled from the Federation for a period to be named.

5. Wherever fraudulent election is reported, the Working Committee concerned may enquire into such complaints and may take such action as may be deemed necessary.

ARTICLE XXIV

1. The State Federation shall each year at the first meeting after the 30th June appoint by a majority of at least three-fourths of its members present and voting, a State Returning Officer.

2. If any State Federation Committee fails to appoint a State Returning Officer as aforesaid the Central Executive Committee shall appoint a State Returning Officer.

3. The State Returning Officer shall conduct elections to all constituent bodies of the Federation in the State. He shall in consultation with the Executives of the State Federation and the District Federation Committees appoint District Returning Officers, Taluka Returning Officers and Village Returning Officers and such other officers for the proper conduct of elections in the State. He shall also perform such other functions allotted to him by the Central Executive Committee from time to time.

PART X

Selection of Candidates

ARTICLE XXV

1. The Central Executive Committee shall set up a Board consisting of the President and five other members, with the President as its Chairman for the purpose of selecting candidates for election to the Central and State Legislatures and shall frame rules in that behalf.

2. The Election Board shall invite Local Committees of the Federation to propose names. The Board shall prepare a list of candidates in the order based, support received by the candidates.

3. The Board in making its selection shall have regard to support received by the candidate. But it shall not be bound to elect the first.

4. The Central Election Board shall set up an Election Committee for each State to deal with the Elections to Local Bodies including selection of candidates and frame rules for the Committee.

5. The State Election Committee shall recommend candidates for Central and State Legislatures to the Central Election Board.

PART XI

Miscellaneous

ARTICLE XXVI

1. The flag of the Federation shall consist of stars against a blue cloth cut in triangle.

2. No person shall be a member of two organisations within Federation at one and the same time.

3. A federation Committee may delegate any of its powers smaller committee or an individual.

4. Population figures of the last available census shall be for all Federation purposes.

5. Where there is a question of the value of fractions, a fraction of one-half or more shall be treated as one, and less than one-half as zero.

6. Wherever in this Constitution, the word "vote" or any inflections occurs, it means or refers to a valid vote.

7. Any question or dispute arising under this Constitution regard to its provisions, contents, interpretation or the procedure laid therein, between any member and member, committee between committee *inter se,* shall be determined by the apropriate authority or authorities indicated in this Constitution, and if no such authority is indicated, by the Central Executive Committee. The decision of such authority shall be final and binding on all members and committees of the Scheduled Castes Federation, and shall not be liable to question by any of them in a Court of law.

PART XII

Amendment of the Constitution

ARTICLE XXVII

1. This Constitution can be amended, altered or added to only by two-thirds majority of All-India Committee of the Federation, and ratified by a majority of the State Federation.

2. The amendment whether by alteration or addition shall be circulated to the Chairman of the State Federation Committees in each State and obtain their decision in the matter.

3. The Committees shall decide the issue by simple majority.

4. On receipt of the decisions of the State Committees the President shall announce if the amendment is accepted or rejected.

PART XIII

Rules of Discipline

ARTICLE XXVIII

1. Any member of the Federation committing, any of the following acts shall be deemed to be guilty of indiscipline :

(i) To act contrary to the declared policy of the Federation.

(ii) To openly and publicly criticise the policy of the Federation.

(iii) To openly and publicly criticise any member of the Federation.

(iv) To form a group within the Federation to give support to any member with the object of challenging the authority of constitutionally elected leader of the Federation.

(v) To spread ill-feeling against any member or to carry on any campaign of vilification.

(vi) To obstruct the working of the Federation or any constituent body of the Federation.

(vii) To misappropriate the funds of the Federation.

(viii) To join a party or a group not recognised by the Federation.

(ix) To be an office-holder of the Federation and to misuse or to omit to use the powers of that office and thereby bring about the failure of the Federation.

(x) To undertake any activity outside the aims, objects and powers of the Federation.

(xi) To oppose the official candidate put up by the Federation in any election.

2. Any member guilty of any act of indiscipline shall be liable to punishment by the Chairman of the State Federation subject to an appeal to the Central Working Committee. The decision of the Central Working Committee shall be final.

3. Punishment for indiscipline may be :

(i) Expulsion from the Federation which may be permanent.

(ii) Suspension for a period from the Federation.

(iii) Removal from office.

(iv) Imposing of disability to hold office.

PART XIV

Transitory Provisions

ARTICLE XXIX

The President shall have the power to decide which Articles of the Constitution to be put into operation immediately.

Explanation : President in this part means the person who is at present the President of the Federation.

ARTICLE XXX

The President for the purpose of removing any difficulties particularly in relation to the transition from the present set up to the provisions of the Constitution shall have power to direct that the

Constitution during the transition period have effect subject to such adaptations, whether by way of modifications, addition or omission as he may deem to be necessary or expedient. The power of the President shall include the power to remove an office holder and nominate another in his place.

ARTICLE XXXI

Without prejudice to the generality of the foregoing provisions of Part X the President shall immediately re-constitute the State Federation, which is suspended or found to be not working properly.

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THE BUDDHIST SOCIETY OF INDIA

The Buddhist Society of India was registered by Dr. B. R. Ambedkar on 4th May 1955 in the office of the Registrar of Companies, Mumbai.

"On May 8th, 1955 at the function held at Nare Park, Bombay, he made a formal announcement of the establishment of this Society for propagation of Buddhism"[1] The constitution of the Society is as follows: Editors.

CONSTITUTION OF THE BUDDHIST SOCIETY OF INDIA

(As Registered By Dr. B. R. Ambedkar)

Registered on 4th May, 1955

Sd. Registrar of Companies,

Mumbai.

MEMORANDUM OF ASSOCIATION

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1. The name of the Society :

   The name of the Society is THE BUDDHIST SOCIETY OF INDIA.

2. The objects of the Society :

   The aims and objects of the Society shall be :

   (1) To promote the spread of Buddhism in India.

   (2) To establish temples for Buddhist worship.

   (3) To establish schools and colleges for religious and scientific subjects.

   (4) To establish orphanages, hospitals and relief centres.

   (5) To start Buddhist Seminaries for the preparation of workers for the spread of Buddhism.

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1 : Janata : 14th May 1955.

(6) To promote comparative study of all religions.

(7) To undertake publication of Buddhist Literature and to issue leaflets and pamphlets for giving a true understanding of the Buddhist religion to the common mass.

(8) To create a new order of priests, if it becomes necessary to do so.

(9) To establish a press or presses for the purposes of carrying on the work of publication.

(10) To hold gatherings and conferences of the Buddists of India for common action and to establish fellowship.

3. The name, address and occupation of the President who is entrusted with the function of managing affairs of the Society are as under:—

NAME	ADDRESS	OCCUPATION
Dr. Bhimrao Ramji Ambedkar	26, Alipore Road, Civil lines, Delhi.	Bar-at-Law

The names of the members of the Society with their occupations and addresses

NAME	ADDRESS	OCCUPATION
(Sd.) Bhimrao Ramji Ambedkar	26, Alipore Road, Civil Lines, Delhi.	Barrister-at-Law
" Madhav G. Malvankar ..	68, Hughes Road, Bombay-7.	Medical Consultant
" C. S.Pillai ..	Mherwan Building, 2nd Floor, Sir P. Mehta Road, Bombay-1.	Architect
" Bhalchandra K. Kabir ..	59, Portuguese Church Road, Dadar, Bombay-28	Service
" Bhagawant Sayaji Gaikwad	Plot No. 10, Road No. 19. Khar, Bombay-21.	Service
" S. D. Gaikwad ..	Siddharth College. Anand Bhavan, Dr. D. Naoroji Road, Bombay-1.	Service
" Kashiram Vishram Sawadkar	B.D.D. Chawl No. 15, 'B', Room, No. 32, Naigaum, Bombay-14.	Service

The Buddhist Society of India

Rules and regulations governing the Constitution of the society :—

I. The name of the Society shall be THE BUDDHIST SOCIETY OF INDIA.

II. The registered office of the Society shall be situated in Bombay.

III. The objects of the Society shall be :—

(1) To promote the spread of Buddhism in India.

(2) To establish temples for Buddhist worship.

(3) To establish schools and colleges for religious and scientific subject.

(4) To establish orphanages, hospitals and relief centres.

(5) To start Buddhist Seminaries for the preparation of workers for the spread of Buddhism.

(6) To promote comparative study of all religions.

(7) To undertake publication of Buddhist literature and to issue leaflets and pamphlets for giving a true understanding of the Buddhist religion to the common mass.

(8) To create new order of priests, if it becomes necessary to do so.

(9) To establish a press or presses for the purposes of carrying on the work of publication.

(10) To hold gatherings and conferences of the Buddhists of India for common action and to establish fellowship.

IV. The powers of the Society shall be :—

(1) To receive donations and to collect funds for the society.

(2) To maintain priests.

(3) To sell or mortgage the property of the society for the purpose of the society.

(4) To own and hold property.

(5) To purchase, take on lease or otherwise acquire property for the society and to invest and deal with the moneys of the society in such a manner as may from time to time be determined.

(6) To construct, maintain, rebuild, repair, alter, replace or reinstate houses, buildings or works for the purposes of the society.

(7) To sell, dispose of, improve, manage, develope, exchange, lease, mortgage or otherwise alienate or deal with all or any property of the society.

(8) To co-operate, amalgamate or affiliate the society or any institution or institutions run by or belonging to the society with any other institution or society with a view to securing further advancement of the aims and objects of the society.

(9) To raise money with or without security for carrying out any of the purposes, aims and objects of the society.

(10) To do all other lawful things and acts as are incidental or conducive to the attainment of any of the aforesaid aims and objects.

V. MEMBERSHIP OF THE SOCIETY :

There shall be following classes of members of the society :—

(1) Members,

(2) Associate Members.

(1) CONDITIONS FOR MEMBERSHIP :

Who can be a Member :—

Any person who is duly initiated into the Buddhist religion by his having undergone the ceremony of Dhammadiksha as prescribed by the Society and has paid his annual subscription shall be eligible to be a member of the Society.

(2) ASSOCIATE MEMBERSHIP :

Who can be an Associate Member :

Any person who is sympathetic to the aims and objects of the Society and is not hostile to the Buddhist religion may be admitted as an Associate Member of the Society on paying the annual subscription.

(3) RESTRICTION OF MEMBERSHIP :

Provided that the President may in any particular case decide that any member notwithstanding his having undergone the ceremony of Dhammadiksha shall remain a probationer for such period as he may prescribe.

(4) A probationer and an Associate Member shall not be eligible to be a member of the Advisory Council and the General Council and shall have no right to vote.

VI. EXPLANATION :

The President may allow Corporation, Institutions and Associations to be members of the Society.

VII. MEMBERSHIP DUES :

Every member shall be bound to pay at least Re. 1 as membership fee per year whether he is a member or an associate member. Failure to pay fees in due time shall incure loss of membership as also right to vote unless such penalty is waived by the President.

VIII. PRESIDENT :

(1) The Society shall have a President. The term of the President shall be for his life.

(2) The first President of the Society shall be Dr. Bhimrao Ramji Ambedkar, M.A., Ph.D., D.Sc., Barrister-at-Law.

(3) The President shall appoint a Treasurer and Secretary. He will have right to prescribe their term of office.

(4) The President shall have power—

(i) to create such offices as may be necessary for carrying out the purposes of Society ;

(ii) to appoint to them such persons as he may deem fit; and

(iii) to assign duties and functions to persons carrying on the administration of the Society.

(5) The President shall have power to open centres at different places in India for carrying on the work of the Society and appoint workers and office bearers thereto.

IX. DUTIES OF SECRETARY AND TREASURER :

(1) It shall be the duty of the Secretary to correspond on behalf of the Society.

(2) It shall be the duty of the Treasurer to keep the accounts of the Society.

X. All monies belonging to the Society shall be kept in deposit with a Bank. The monies shall be drawn upon by the President for the purposes of the Society.

XI. MANAGEMENT :

(1) The affairs of the Society shall be managed by the President.

(2) All executive powers shall be vested in the President.

(3) There shall be constitued an Advisory Council to aid the President in the discharge of his duty.

(4) The Advisory Council consist often members. They shall be chosen by the members of the Society at every 5th year.

(5) The first members of the Advisory Council shall be nominated by the President.

(6) The Advisory Council shall meet as and when required by the President.

(7) The Agenda shall be prepared by the President.

(8) Any member may raise and question outside the Agenda, if permitted by the President.

(9) The resolutions of the Advisory Council be only recommendatory.

XII. GENERAL COUNCIL :

(1) There shall be a General Council of the Society. Every member shall be entitled to be a member of the General Council. It shall meet every two years and the President shall submit a report on the work done by the

committee. Every person who is a member but who is not on probation shall be entitled to be present at the General Meeting of the committee.

(2) The General Council shall have the power to remove the President from his office by a majority of three-fourths of the members present at the meeting on the ground that the President has been found guilty of defalcation or misconduct by a Court of Law.

XIII. AMENDMENTS OF THE CONSTITUTION :

(1) This Constitution may be amended if the following conditions are satisfied :—

(a) That the proposal is approved by two-third majority of the Advisory Council.

(b) The text of the proposed amendment is circulated to the members with a notice convening the meeting.

(c) The period of notice is not less than 3 months.

(2) No amendment shall be regarded as adopted unless two-thirds of the members present at the meeting in favour of it.

Certified to be the true copy of the rules and regulations of the Society.

Signatures—

(Sd.) (1) B.R. Ambedkar,

" (2) Madhav G. Malwankar,

" (3) C. S. Pillai.

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APPENDICES

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APPENDIX—I

"CONSTITUTION

OF THE

ALL INDIA SCHEDULED CASTES STUDENTS' FEDERATION

NAME

Article I.

(a) The name of the organisation shall be "All India Scheduled Castes Students' Federation. "

(b) The abridged name of the organisation shall be the "A. I. S. C. S. F."

(c) All the branch organisations must be named as such and such "Scheduled Castes Students' Federation."

Article II.

The Head quarter of the A. I. S. C. S. F. shall be with the General Secretary.

Aims and Objects

Article III.

The activities of the A. I. S., C. S. F. shall be guided with a view to :—

(a) Organise the Scheduled Castes Students of India into a compact body.

(b) Develop corporate life amongst them and to discard all activities and undertakings that accentuate caste consciousness among them.

(c) Safe-guard the interests of the Scheduled Castes Students of India.

(d) Create a cultural atmosphere amongst them by encouraging moral and intellectual education and by bringing them in touch with the cultural and political movement of the present day.

(e) Encourage physical culture in order to improve the health and physique of the Scheduled Castes Students.

(f) Safe-guard the interests of the Scheduled Castes people.

(g) Co-ordinate the activities of the Scheduled Castes Students for the welfare of the Scheduled Castes people and the country.

(h) Formulate public opinion in favour of the Scheduled Castes movement.

(i) Undertake all such matters, subject to the approval of the Working Committe, which may appropriately belong to the general sphere of the life of the Scheduled Castes Students.

Composition of Organisation

Article IV.

The A. I. S., C. S. F. shall consist of :—

(a) The Annual and Special Session of the A. I. S., C. S. F.

(b) The Council of the A. I. S., C. S. F.

(c) The Working Committee of the A. I. S., C. S. F.

(d) The Provincial Scheduled Castes Students' Federations affiliated to the A. I. S., C. S. F.

(e) The Indian Native States Scheduled Castes Students' Federations affiliated to the A. I. S., C. S. F.

(f) The branch organisations affiliated to the Provincial or Indian Native States Scheduled Castes Students' Federation, as the case may be.

Membership

Article V.

(a) Every Scheduled Castes Student shall be recognised as a member of the A. I. S., C. S. F.

(i) He or she pays the required membership fee and becomes a member of any of the Branch organisations affiliated to the A. I. S., C. S. F.

(ii) He or she has completed the 12th year of age or he or she is studying in middle school.

(iii) Make a declaration in writing that he or she believes in the aims and objects and abides by the rules and regulations of the A. I. S., C. S. F.

(b) Such a member shall be called an "ordinary member"

Article VI.

For the purpose of this constitution a 'Student' shall mean:—

(a) Any Scheduled Castes Student attached to any recognised or regular educational Institution.

(b) Any one who is not a student within the meaning of the subsection 'A' of the Article 6, but had rendered valuable help and services to its cause shall be eligible to be a member provided he or she pays an Annual Subscription of Rs. 5 (Rupees five only) subject to the clauses i, ii, iii of the subsection A, of the Article 5.

(c) Such a member shall be called "Associate Member" who shall be entitled to sit in the Working Committee and the Council of the A. I. S., C. S. F. without any power of voting and shall not be entitled to hold any office except that of the Treasurer.

Article VII.

Any office Bearer or Member of the A. I. S., C. S. F. if ceases to be a student during any official Session he or she shall be entitled to continue as such until the end of that session

Membership Fee

Article VIII.

(a) The membership fee for an ordinary member which shall be paid to the primary units of the recognised Provincial or Indian Native States Scheduled Castes Students' Federations, of which he or she shall be a member is annas four only per head per annum.

(b) Every member of the Council is to pay Rs. 2 (Rupees two only) per annum.

(c) Besides his or her Council Membership Fee, every member of the Working Committee is to pay Rs. 3 (Rupees three only) per annum.

(d) Every 'Associate Member' is to pay Rs. 5 (Rupees five only) per annum.

(e) Every delegate is to pay Rs. 3 (Rupees three only).

(f) Every member of the Reception Committee is to pay a Fee of Rs. 3 (Rupees three only).

(g) Every member is to pay his or her respective membership fee before exercising his or her right to vote.

Article IX.

(a) Only the Provincial and Indian Native States, Scheduled Castes Students' Federations will be directly affiliated to the A. I. S., C. S. F.

(b) The Provincial or Indian Native States Scheduled Castes Students' Federation shall decide which will form the Primary Unit of the organisation and shall be empowered to grant affiliation to their branch organisation.

Management

Article X.

(a) The management of the A. I. S., C. S. F. shall be vested in a Council consisting of the representatives of the Provincial and Indian Native States Scheduled Castes Students Federation.

Article XI.

Every branch Federation of the A. I. S., C. S. F. shall send representatives to the Council according to its roll strength in the ratio of 1 per hundred but in no case more than 15 representatives.

Article XII.

(a) The members of the Council shall hold office for one year but shall be eligible for re-election.

(b) The Working Committee shall place before the Council the annual reports and accounts of the A. I. S., C. S. F. and it shall be responsible to the Council for its policies and activities.

Article XIII.

(a) The Council shall at least meet twice a year preferably the first just after its formation and the last at the end of the session, just before the Annual and Special Session of the A. I. S. C. S. F.

(b) Except for the first meeting, at least one month's notice shall be necessary for calling any subsequent meetings of the Council.

(c) The General Secretary shall be responsible for calling the meeting of the Council, but in case he fails to do so, the responsibility devolves upon the Joint Secretaries.

Article XIV.

(a) The Working Committee shall consist of 15 to 17 (fifteen to seventeen) members, 3 reserved for Ladies and 3 for Native States; the President and General Secretary being the ex-officio members.

(b) 5 members of the Working Committee shall form the quorum.

(c) The members of the Working Committee shall be elected by the Council at its first meeting.

(d) 20 days' notice for an ordinary meeting and seven days' notice shall be deemed sufficient for an urgent meeting.

Article XV.

The organisation shall have one President, two Vice-Presidents, 1 General Secretary, 2 Joint Secretaries (one of them shall be elected from the Ladies), 1 Treasurer as its office bearers. Besides the above Working Committee there shall be eight more members.

Article XVI.

In case of necessity the Working Committee shall be entitled to co-opt any member or members not exceeding two.

Article XVII.

The Working Committee shall also be entitled to appoint non-members as members of its sub-committee, if the necessity of such sub-committee arises at all.

Article XVIII.

All branch organisations shall submit quarterly reports of their activities to their respective immediate superior Scheduled Castes Students' Federation.

Article XIX.

All vacancies in the Working Committee during the session shall be filled up by the Working Committee itself.

Article XX.

The Working Committee shall be responsible for the detailed management of the organisation.

Affiliation

Article XXI.

(a) The Provincial and Indian Native States Scheduled Castes Students' Federations shall be granted 'Affiliation' by the A. I. S. C. S.F.

(b) All primary Units and other superior organisations shall be granted 'Affiliation' in accordance with the constitution of their respective Provincial or Indian Native State Scheduled Castes Students' Federation.

(c) No cases of 'Disaffiliation' shall be decided by the Working Committee without reference and express sanction of the Council.

Affiliation Fee

Article XXII.

The Provincial Indian Native States Scheduled Castes Students' Federations are to pay Rs. 15 (Rupees Fifteen only) as affiliation fee to the A. I. S. C. S. F. and Rs. 25 (Rs. twenty five only) as contribution must be submitted to the All India Body per annum.

Conference

Article XXIII.

(a) The A. I. S. C. S. F. shall hold a Conference every year in the last week of December.

(b) The members of the Council shall be elected in this Conference and Annual Session by the votes of the Delegates.

(c) The Reception Committee shall be formed by the students of that locality where the Conference would be held.

(d) The place for holding Conference will be fixed by the Working Committee.

Article XXIV.

Every Provincial and Indian States Scheduled Castes Students Federation shall be entitled to send delegates to this Conference and Annual Session according to their roll strength in the ratio of three per hundred.

Article XXV.

All the money of the A. I. S. C. S. F. shall be deposited in a Bank to the credit of the A. I. S. C. S. F. through the Treasurer.

Article XXVI.

Ordinarily the expenditure shall have to be previously sanctioned by the Working Committee; but in emergency cases the General Secretary or in his absence the Joint Secretary or Secretaries may spend only any sum upto Rupees thirty without previous sanction, for which he or they will take sanction of the Working Committee afterwards.

Article XXVII.

The General Secretary or in his absence the Joint Secretaries shall be entitled to draw money from the Treasurer.

Discipline

Article XXVIII.

(a) No member of the A. I. S. C. S. F. shall be allowed to be a member or enjoy any sort of membership of any political organisation save that of the All India Scheduled Castes Federation.

(b) The Working Committee shall have the power to take disciplinary action against any member within its jurisdiction for :—

(i) Failure of the payment of the required subscription.

(ii) Betraying the policy of the Federation and the proceedings of the Council or the Working Committee.

(iii) Wilful infringement of the rules and regulations of the A. I. S. C. S. F.

(iv) Any other circumstances occuring not specially provided for these rules, which are likely to disturb the order or discipline of the A. I. S. C. S. F.

Sessions

Article XXIX.

The President of the Annual and Special Session shall be elected by the Council of the A. I. S. C. S. F. The Working Committee may, instead of convening a meeting for this purpose, obtain the name of the president in writing from the members.

Article XXX.

The Provincial and Indian Native States Scheduled Castes Students' Federations shall have their own Constitution. But these Constitutions must not contain anything contrary to the rules and regulations contained in the Constitution of the A. I. S. C. S. F.

Undefinied Powers

Article XXXI.

Powers not defined in the Constitution are vested in the Working Committee, which shall be used at its discretion relating to matters not provided in the Constitution.

Article XXXII.

The Constitution shall be subject to change only by the Two Third Majority of the members of the Council or by the bare majority of the Delegates in the open session."[1]

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[1] : The all India Scheduled castes Students' Federation Report of the Second Session, held at Nagpur on 25, 26 and 27 December 1946, published by V. D. Chahande on 2nd June 1947.

APPENDIX—II

"THE POSITION OF WOMEN IN HINDUISM AND BUDDHISM

(*A Rejoinder to an Article Published in "Eve's Weekly" on January 21, 1950, under the title "Our New Republic*")

Lama Govinda

"*In India, women were used to statecraft long before they ever did in Europe. The Ramayana and Mahabharata are full of instances of such women.*" These lines were prominently displayed in an article, published in Eve's Weekly on January 21,1950, under the title "Our New Republic.

Does the learned author of the article hint at the fact that Draupadi, the chief female character of the Mahabharata was gambled away by her husband, or rather husbands (because she had five) or that Sita, who had heroically rejected all advances of her captor Ravana, was rewarded with distrust and doubts in her purity, put to the fire-ordeal and banished in to the jungle ?

If the position of women in those days had been what the writer of the above-mentioned article would have us believe, then we wonder why Draupadi had never been given a chance to gamble away her five husbands, or Sita an opportunity to send her calumniators and doubters on the pyre or into the woods ?

It certainly would have been more correct in this connection to say that the Women of India in those times were used by statecraft.

As to the women of Europe, I cannot say whether they were lagging behind their sisters in India in this respect, but I am quite sure that when some of them got an opportunity to meddle with statecraft they were quick to make use of it.

If Queen Elizabeth had been in the place of Draupadi she would probably have executed her five husbands as she executed her unfortunate lover Lord Essex. But in my opinion Draupadi without statecraft was more lovable woman than Queen Bessie with all her political power and cunning.

Another figure in European history who might have been mentioned with advantage, is Empress Maria Theresa of Austria, who was both a loving mother of many children and an able ruler. And if we want to go into the earlier history of Europe, the Empress Theodora of Byzantium is perhaps the most striking example of a woman, who rose from the lowest position to that of supreme power. She started as a prostitute and ended as an Empress.

I do not think that this would be the ideal of Indian womanhood, just as I do not think that statecraft adds one inch to the dignity of a woman.

Even if it were true that in Indian women were used to statecraft, *long before* they ever did in Europe out author apparently was not able to find any historically varified instances of an earlier period then the Rani of Jhansi and Chandbibi, who both belong to the most recent epochs of India's history.

But the most astonishing statement of the article under review is that "*it was, alas, the Buddhist theory that seems to have first thrust women into the background.*"

What this "theory" is, has unfortunately not been revealed by the learned author, and though I have scrutinized the Budhist Sacred Texts and their teachings, I have found no special theory about women, but only about the human species in general. The Four Noble Truths, the Formula of Dependent Origination, and the Eightfold Path of Liberation make no distinction between man and woman.

All through Buddhist history it was a special feature of Buddhist Society that woman had a far more favourable position than in most Non-Buddhist countries. The fundamental equality of man and woman has been the lodestar of Buddhist Society from its earliest beginnings.

Anybody who has lived in Buddhist countries, be it Ceylon, Burma, Siam, Indo-China, Tibet, knows that the status of women is astonishingly high. Because the Buddhist wife does not look up to her husband as to a god, she is not expected to eat after her husband has finished his meal, or to immolate herself after her husband's death as an alternative to a life of utter dejection and privation. On the contrary, she is free to leave her husband if she

feels that she cannot live with him, and she does not become a social outcaste after her husband's death, but can re-marry if she desires so. Women may have their own affairs, in fact in Burma as well as in Tibet (of which countries I can speak of my own experience) women are perfect equals of men, socially as well as in respect of business affairs, and they often show more enterprise and ability than men, who gladly leave these things to their womenfolk.

Such a position of women in Buddhist society would hardly have been possible if, as the author of the article under review assert, "*the Buddha has a prejudice against women and was forever exhorting men to beware of them*."

To accuse the Buddha, who certainly was the most broadminded, most liberal and tolerant of all the great teachers of the past, and who due to this was and still is revered far beyond the confines of India as no other of her sons,—to accuse such a Teacher of prejudice is certainly an extraordinary feat of misjudgment. If of all the great sages of India was only the Buddha who had a world wide appeal, it was His complete lack of any prejudice (how otherwise, could He be acclaimed and recognized as the Enlightened One ?) the universality of His outlook and His deep understanding of human nature, irrespective of caste, colour, or sex.

It was He, in fact who laid the foundations for the emancipation of women (who under the laws of Manu were in a very unfavourable position) as our learned author admits, thus contradicting his own previous statement that the Buddhists were the first to thrust women into the background. It was the Buddha who declared in unmistakable words that a woman has as great a chance to attain sainthood as a man.

This attitude of early Buddhism is confirmed by the fact that the Buddha on one occasion refused an invitation from princes, because He had already accepted that of a courtesan. The princes were shocked that a " frivolous woman like Amrapali should be thus honoured by the Buddha and tried to dissuade Him. But the Buddha stuck to his word, and Amrapali become one of His most praised woman, disciples. If he had harboured any prejudice against, women here would have been the opportunity to show it.

"*That the Buddha was forever exhorting meant to beware of women*", is one of those half-truths, which misled those who have not taken the trouble to read the Buddha's words in their context.

The Buddha did not exhort "men" in this case, but monks who had taken the vow of chastity in conformance with the ancient Indian *sanyasi* rule, accepted by Buddhist and Hindus alike. Nuns were equally exhorted to beware of men. The exhortation of the Buddha was therefore not due to a prejudice against women, but due to the knowledge of human weakness—in men and women alike.

Buddhist women were the first in India who made a substantial and independent contribution to the religious literature and who were recognized as equals to the best authors of their time. This is shown by the fact that the songs of the Buddhist Sisters (under the title "Therigatha") were given the honoured position of Canonical Scriptures and thus placed beside the words of the Buddha and His most prominent disciples.

Both Hinduism and Buddhism have produced great women, and instead of trying to find fault with the customs and teachings of the past and the sages, who proclaimed them in accordance with the needs of their time and the capacity of understanding of their hearers, we should strive to emulate those great souls among Indian women whose names have survived many a mighty empire, whose thoughts were higher than statecraft and whose hearts greater than the power of monarchs. The figure of Savitri, whose profound love and wisdom vanquished even the King of Death, will ever stand out as a symbol of the noblest qualities of womanhood. The voice of Maitreyi and Gargi are forever heard in the immortal dialogues of the Upanishads, and the songs of the saintly Buddhist Sisters will live in the hearts of Indian women like the devotional songs of Mirabai and the heroism of Padmini." [1]

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[1] : Appendix to the booklet published under title 'The Rise and Fall of the Hindu woman ; who was Responsible for it' ?

APPENDIX—III
THE CABINET MISSION

"On 19, February 1946, the day following the outbreak of the revolt, Lord Pethick Lawrence announced in the House of Lords that "in view of the paramount importance, not only to India and to the British Commonwealth, but to the peace of the world, of a successful outcome of discussions with leaders of Indian opinion, the British Government would send out to India a special mission of Cabinet Ministers consisting of the Secretary of State for India (Lord Pethick Lawrence), the President of the Board of Trade (Sir Stafford Cripps), and the First Lord of Admiralty (Mr. A. V. Alexander) to act in association with the Governor-General in this matter. A similar statement was made in the House of Commons by Mr. Clement Attlee."

The Cabinet Mission, headed by Lord Pethick Lawrence, arrived in India on 23, March 1946 to find a solution to the problem of India. Its activities and the following events may be understood, "in the background of the Labour Government's firm decision to quit India at a very early date after making the best possible arrangements for handing over power."[1] The negotiations with party leaders did not bring an agreed solution. On 16, May 1946, the Mission gave a Scheme of its own. After fully examining the question of Pakistan, it concluded that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem keeping in view other consideration also—like administrative, economic and military and those relating to communications and the Indian States, and that the creation of Pakistan could not be advised. But Muslim apprehensions that their culture and political and social life might be dominated by the Hindus, could not be ignord. As regards the Indian States, the view of the Mission was that with the attainment of independence by British India, paramountcy over them could neither be retained by the British Crown nor transferred to the new Government: yet the States were willing to Co-operate

[1] : Speeches and Documents of the Indian Constitution, Vol. 1, selected by Sir Maurice Gwyer and A. Appadorai, Introduction at P. Vii (1957).

in the new development of India. The precise form which their Co-operation would take must be a matter for negotiation during the building up of the new constitutional structure which might not be identical for all the States.

The Cabinet Mission then indicated the nature of a solution which would be just to the essential claims of all parties and bring about a stable and practicable form of constitution for all India. It recommended that the constitution should take the following basic form : (1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects : foreign affairs, defence and communications, and should have the powers to raise the finances required for the above subjects. (2) The Union should have an executive and a legislature constituted from British India and States representatives. Any question raising a major communal issue in the lagislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting. (3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces. (4) The States would retain all subjects and powers other than those ceded to the Union. (5) Provinces should be free to form groups with executive and legislatures, and each group could determine the Provincial subjects to be taken in common. (6) The constitutions of the Union and of the groups should contain a provision whereby any Province by a majority vote of its Legislative Assembly call for a reconsideration the terms of the constitution after an initial period of ten years and at ten yearly intervals thereafter.

The Cabinet Mission proposed the following constitution making machinery to enable a new constitution to be worked out. In forming any assembly to decide a new constitutional structure, the first problem was to obtain as broadbased and accurate a representation of the whole population as was

possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formation of the new constitution. The only practicable course was to utilise the recently elected Provincial Legislative Assemblies as electing bodies. There were, however, two factors in their composition which made it difficult. First, the numerical strengths of Provincial Legislative Assemblies did not bear the same proporation to the total population in each Province. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly were not in proportion to their numbers in the Province. After a most careful consideration of the various methods by which these points might be corrected, the fairest and most practicable plan would be (a) to allot to each Province a total number of Castes proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage ; (b) to divide this Provincial allocation of seats between the main communities in each Province in proportion to their population ; (c) to provide that the representatives allocated to each community in a Province should be elected by members of that community in its Legislative Assembly. For these purposes it was sufficient to recognise only three main communities in India—General, Muslim and Sikh, the General community including all persons who were not Muslims and Sikhs. As smaller minorities would upon a population basis, have little or no representation, since they would lose the weightage assuring them seats in Provincial Legislatures, some arrangements, were suggested to give them a full representation upon all matters of special interest to minorities.

The Mission, therefore, proposed that there should be elected by each Provincial Legislative Assembly the following numbers of

representatives, each part of the Legislative Assembly (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with single transferable vote.

Table of Representation

Section A

Province	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	167	20	187

Section B

Province	General	Muslim	Sikh	Total
Punjab	8	16	4	28
North-West Frontier	0	3	0	3
Sind	1	3	0	4
Total	9	22	4	35

Section C

Province	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
Total	34	36	70
Total for British India			292
Maximum for Indian States			93
Total			385

In order to represent the Chief Commissioners' Provinces, there would be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly and a representative to be elected by the Coorg Legislative Council. To Section B would be added a representative of British Baluchistan. The States would be given in the financial Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93, but the method of selection would have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

The Cabinet Mission then proposed that representatives thus chosen should meet at New Delhi as soon as possible. A preliminary meeting would be held at which the general order of business would be decided, a chairman and other officers elected and an Advisory Committee on rights of citizens, minorities and tribal and excluded areas set up. Thereafter the Provincial representatives would divide up into Sections A, B and C, as indicated in the Table. These Sections would proceed to settle Provincial constitutions for the Provinces included in each Section and decide whether any group constitution should be set up for those Provinces and if so what Provincial subjects the group should deal with. Provinces should have power to opt out of groups. As soon as the new constitutional arrangements would come into operation, any Province might elect to come out of any group in which it was placed. Such a decision should be taken by the Legislature of the Province after the first general election under the new constitution. The representatives of the Sections and the Indian States should reassemble for the purpose of settling the

Union constitution. In the Union Constituent Assembly resolutions varying the provisions relating to the basic form of the constitution indicated above or raising any major communal issue would require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly would decide which resolutions raised major communal issue and, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

The Cabinet Mission further proposed that the Advisory Committee on the rights of citizens, minorities and tribal and excluded areas would contain due representation of the interests affected and their function would be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial, the Group or the Union constitution.

The Cabinet Mission lastly proposed that the Governor-General would forthwith request the Provincial Legislature to proceed with the election of their representatives and the States to set up a Negotiating Committee. It would be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power." [1]

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[1] : Mittal J. K., Pp. 119-123.

APPENDIX—IV

INTERVIEWS OF JAGJIWAN RAM, RADHANATH DAS AND PRITHVI SINGH BEFORE CABINET MISSION

"Jagjivan Ram, Radhanath Das and Prithvi Singh Azad attended together as representatives of the All India Depressed Classes' League. They said that the League was opposed to any proposal which would impain the integrity of the country ; that, in its view, the division of India into Pakistan and Hindustan would not provide a solution to the minority problem but would produce fresh problems; that it was also opposed to the setting up of more than one constituent assembly. The new consitution should contain provisions for the safeguarding of the language, culture, etc., of the minorities and the rights and interests of the Scheduled Castes. With regard to the interim Government, the Depressed Classes' League was opposed to weightage being given to any community by depriving another community of its legitimate shares; but if it were decided to give weightage, the Scheduled Castes should also be given weightage. The interim Government should be responsible to the legislature the defence, finance, and foreign affairs should be handed over to the Cabinet, whose members should be elected by the various provincial legislatures. Special provision should be made for the representation of the minority communities, and Scheduled Castes members of the provincial assemblies should form an electoral college to select persons for inclusion in the Central Government.

Jagjivan Ram said that the difference between the Scheduled Castes Federation (led by Dr. Ambedkar) and the Depressed Classes' league was that, whereas the Federation held that the Scheduled Castes were not Hindus but a religious minority of their own, the League held that the Scheduled Castes masses considered themselves Hindus and that they had sacrificed much for the cause of Hinduism. The Depressed Classes League pressed for special representation in the legislature and in the services in order to enable the Scheduled Castes to raise themselves to the level of the rest of the country." [1]

(The transfer of Power in India, pp. 244-45).

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[1]: Quoted, Khairmode, Vol. 8, Pp. 64-65.

APPENDIX—V

POONA SATYAGRAHA

SATYAGRAHIS ARRESTED

Followers of the Scheduled Castes Federation in the Bombay Province launched their "non-violent *Satyagraha*" to-day in Poona to protest against the "injustice done to them by the British Cabinet proposal's which is the result of Congress machinations."

The first batch of six "*Satyagrahis*"— four women and two men — were arrested this morning opposite the Council hall for violating the Poona District Magistrate's order and staging a demonstration in front of the Council Hall. The arrested persons include Mrs. Shantabai Dani, a member of the Working Committee of the Scheduled Castes' Federation from Nasik, and Mrs. Gitabai Gaikwad, wife of Mr. B. K. Gaikwad, President of the Bombay Branch of the Federation.

Just before the Assembly session began these six *Satyagrahis* entered the Council Hall compound, evading the police who were guarding the entrances in the compound and immediately on entering took out black flags from their pockets and shouted slogans of "Down with British Imperialism." "Down with Congress" and "Scrap the Poona pact."

Two further batches of eight ladies and six men were later arrested at about 1 p. m. at the entrance of the compound wall.

Almost at the same time as the first batch of "*Satyagrahis*" were staging their demonstration, a big procession of Scheduled Castes, which stated with the intention of going to the Council Hall and breaking the District Magistrate's order, was being stopped near the War Memorial, on the Station Road at a chalk line marked to indicate the half mile distance from the Council Hall. According to the District Magistrate's order no procession is allowed in the area half a mile from the Council Hall.

The procession started at about 10 a. m. from the "*Satyagraha*" camp at Baba Jan Chowk and marched in files of four and five. It was headed by Mr. B. K. Gaikwad, President of the Bombay

Provincial Scheduled Castes Federation Mr. P. N. Rajbhoj, General Secretary of the Federation and Mr. R. R. Bhole, a former Member of the Bombay Assembly, Young girls and Women in the front carried black flags and the Federation flag. After wending its way along a circuitous route of about one and a half miles, the procession arrived at about 11 a.m. at the "boundary line" near the War Memorial.

Lathi armed police numbering over hundred and police officers, including Mr. E. A. Dodwell, A. S. P., Mr. J. Crone, Dy. S. P., and Mr. F. D. Roach, Dy. S. P., were waiting there and immediately stopped the procession.

The processionists squatted on the ground shouting Scheduled Castes Federation and other slogans. After remaining thus for about two hours, they decided to return back to the camp, and marched along the Wellesley Road back to the "*Satyagraha*" camp.

The processionists on arriving at the camp held a meeting and congratulated those who were arrested by the police.

Mr. P. N. Rajbhoj, addressing the meeting, said that a beginning of their "freedom struggle" had been made to-day. The scheduled Castes, he said, were fully awake and they would not rest till they achieve their end. To-day's *Satyagraha* was the beginning of a countrywide movement.

Mr. B. K. Gaikwad announced that the procession of "*Satyagrahis*" would be taken out tomorrow and every day thereafter.

The District Magistrate of Poona has issued an order to-day prohibiting carrying of sticks, knives, stones or any other missiles within the area under the Poona City Municipality, Poona suburban municipality and the Poona Cantonment Board. The order will be in force for seven days from July 15.

It is understood that the above precaution is being taken in order to avoid any untoward incidents and breach of peace and order which might happen due to the "*Satyagraha*" movement of the Scheduled Castes Federation."[1]

[1]: Jai Bheem, August 13, 1946, p. 7.

S. C. F. "*SATYAGRAHIS*" JAILED

One hundred and fourteen more Scheduled Castes *Satyagrahis,* who were arrested yesterday, were sent to jail today, bringing the total number of *Satyagrahis* under imprisonment since the commencement to 124.

Today's batch of 114 included 13 women who were asked to pay fine of Rs. 25 each or undergo in default 15 day's simple imprisonment. The women preferred to go to jail.

Of the 101 men *Satyagrahis,* 37 were awarded a fine of Rs. 30 or in default one month's simple imprisonment and the remaining 64 a fine of Rs. 50 or in default two months simple imprisonment. All of them refused to pay the fine.

The trial took place in the Yeravada Jail where the demonstrators were placed in custody.

A statement charging the British Government and Congress with having betrayed the interests of the Schedule Castes was read out in the court during the trial on behalf of the arrested.

The Congress, the statement said, which styed itself as a deomocratic body had betrayed their community at the time of the Poona Pact and also during the Cripps proposals and the British Cabinet proposals. The result of joint electorates agreed to by the Poona Pact were proved during the recent provincial elections when candidates having the Predominant support of Scheduled Castes were defeated and Congress "puppets" got elected on Caste Hindu votes.

The organisers of the *Satyagraha* also took out a procession from the *Satyagraha* Camp at Baba Jan Chowk. The procession was stopped by the police at the Railway Goods Depot on the Wellesley Road at a distance of half a mile from the Council Hall.

The processionists were addressed by Mr. G. H. Kale, M.L.A. (Bombay) who exhorted them to carry on their campaign till they won their fight. Mr. Kale said that he was in full sympathy with their demands.

More Arrests

The "*Satyagraha*" campaign launched by the Scheduled Castes Federation is continuing for the third day today. Batches of five and ten were seen shouting slogans and waving black flages opposite the Council Hall, in defiance of the orders of the Districts Magistrate.

The police had by 2 p.m. when the Assembly session began today, arrested about 50 demonstrators, including two women.

Fifth Day of *Satyagraha* Campaign

S. C. F. Volunteers Arrested

Restriction On Civil Liberty Deplored

Demonstration by the Scheduled Castes volunteers opposite the Council Hall were continued today the fifth day of the *Satyagraha* Campaign. Within an hour the police guarding the entrance to the Council Hall compound arrested nearly 70 volunteers.

Volunteers came in batches of four and five in drizzling rain and shouted slogans outside the compound of the Council Hall.

The trial was held this morning at the Yeravada Jail of the 122 *Satyagrahis* who were arrested yesterday for the defiance of the ban. The Additional City Magistrate sentenced all of them to pay fines ranging from Rs. 25 to Rs. 50 or in default to suffer simple imprisonment ranging from 15 days to 60 days. The 13 women volunteers came in for the lighter sentences.

The Federation leaders in Poona, Mr. B. K. Gaikwad, Mr. P. N. Rajbhoj and Mr. R. R. Bhole told the District Magistrate of Poona, at a meeting called by the Magistrate yesterday, that they could not accept any conditional offer for carrying on their *Satyagraha* and their protest against the injustice done to them by the British Government and the ban imposed by the Congress Government on taking out processions and staging demonstrations in an area of half a mile from the Council Hall would continue. The ban, they said, was a restriction on the cherished civil liberties of the masses.

Fresh batches of volunteers who have offered to take part in the *Satyagraha* are on their way to Poona from different parts of the province according to the organisers of the *Satyagraha.* They say

that there would be no paucity of volunteers for the *Satyagraha* and that they were prepared to continue their struggle till they achieved their aim.

Demonstrations Outside C. P.* Assembly

10,000 people including some 500 women, predominently members of the Scheduled Castes Federation held demonstrations outside the C. P. Assembly when it met today to elect its quota of 17 representatives to the Constituent Assembly. The demonstrators shouted "Boycott Constituent Assembly" Down with Congress Ministry," "Boycott Harijan M. L. A.'s and "Revoke the Poona Pact."

The demonstration was a protest against the Cabinet Mission's proposals and the demonstrators who carried black flags were peaceful.

"Times on India Debate"

Britain may, and indeed must do all in her power to ensure that the interests of the minorities are fairly represented before the Advisory Committee which the Constituent Assembly will appoint but a decision on the justice of their claims, in spite of Mr. Churchill's eloquent appeal yesterday, no longer rest with this country. British statesmen are fully entitled to press as the Secretary of State and other speakers did for generous treatment of such minority interests as organisation representing the Depressed Classes. But it is of the essence of Indian new status that the responsibility for settling this and other similar issues now rests with Indians themselves.

Insincerity of Cabinet Delegation

"I am surprised at the statement of Sir Stafford Cripps and Mr. Alexander with reference to the Scheduled Castes in the House of Commons," says N. Sivaraj, President of the All-India Scheduled Castes Federation, in a Press interview to-day.

He adds : Having committed the crime in conspiracy with the Congress of stabbing the Depressed Classes in the back and of

*Central Provinces.

completely annihilating them politically they want to cover it by committing the worse crime of misleading the British Parliament and the British Public by a misstatement of fact that a large majority of the Scheduled Castes are with the Congress. It has been established in the primary elections that the Scheduled Castes Federation alone commands the support of the Depressed Classes in spite of the many obstacles thrown by the Caste Hindus in its way. In their anxiety to appease the Congress and win it over for their own ends the Cabinet Delegation have quietly let the Depressed Classes down to whom all these years they have pledged protection and safeguards. I am prepared to submit to any finding by any impartial international tribunal as to whether the Scheduled Castes follow Dr. Ambedkar or Mr. Gandhi. Surely the Cabinet Delegation have not fallen a victim to the latest stunt of Mr. Gandhi in staying in Bhangi Colonies. I am rather tempted to say that the whole thing was a Prearranged affair between Mr. Gandhi and the Cabinet Delegation particularly Sir Stafford Cripps."[1]

II

NAGPUR-SATYAGRAHA

"Jai-Bheem" my name,

"S.C.F." my Caste,

"Dalitsthan" my abode

Sensational answers by C. P. *Satyagrahis*

243 members of the C. P. Scheduled Castes Federation including 6 women and 9 boys were arrested on 12th September 1946. Following their demonstration when the Central Provinces Legislative Assembly met to discuss the Provincial Budget in detail. The demonstrators adopted a novel method of answering the questions by Police Officers while their charge sheets were being prepared. They stated that "Jai Bheem" was their name, their caste was "Scheduled Castes Federation" and "Dalitsthan" was their residence.

[1] Jai Bheem, August 13, 1946, P. 8.

Arrests mounting

262 persons were arrested on the 13th in connection with the Scheduled Castes Federation's demonstrations. The arrested persons include 14 women and 9 boys. One demonstrator evaded police pickets, but was later arrested in the outer verandah of the Assembly Building when he was found loitering in a suspicious manner.

203 Arrests on the 4th September

Members of the Scheduled Castes Federation in Nagpur continued their *Satyagraha* on the 4th September for the second day on the seven roads leading to the C. P. Assembly Building. During the day 203 men and 20 women courted arrest having been stopped by the Magistrates and police officers from going towards the main entrances of Assembly building. All men and women who were arrested will be summarily tried for violation of order under Section 144 Cr. P. C. which is in force in Nagpur prohibiting taking out processions without licence. Eighteen minor boys who joined the *Satyagraha* were let off. Some of the men earned their small beddings to use the same in jail. Most of arrested men raised slogans accusing British Government and Congress Ministry of betraying interests of Scheduled Castes and praising Dr. Ambedkar, our leader.[1]

III

LUCKNOW *SATYAGRAHA*

U. P. Scheduled Castes Fight for Their Rights Police Lathi Charge on Peaceful *Satyagrahis*

Rajbhoj and Tilakchand Arrested

The *Satyagraha* started by the U. P. Scheduled Castes Federation took a serious turn when the Caste Hindu Policemen behaved indecently with the Untouchable women *Satyagrahis*. Conseuent

[1]: Jai Bheem, 16 September 1946, P. 7.

on the inhuman treatment towards the *Satyagrahis* in general and the women *Satyagrahis* in particular by the Congress ministry in Power Mr. Rajbhoj, the General Secretary of the All India Scheduled Castes Federation took up the lead of the *Satyagraha* movement and was arrested on the 18th April Mr. Tilakchand Kureel, President of the U. P. S. C. F. was also arrested. The news regarding the *Satyagraha* we had published in our last issue under U. P. S. C. F. *Satyagraha* diary. Here is a brief day to day report of the above *Satyagraha.*

April 14th, 1947

148 *Satyagrahis* were arrested with three leaders namely Dadasaheb Fullidasji, working committee member of the S. C. F. and Municipal Commissioner of Cawnpur, Mrs. Fullidas and Mr. Totaram, the President of the S. C. F. Women *Satyagrahis* entered into the Assembly chamber and made the working of the Assembly impossible for more than 15 minutes. The ladies were insulted, and fists were used to oust the ladies by the Caste-Hindu police. The bangles of the ladies were broken. The enraged women *Satyagrahis* slapped some of the intruders who were insulting them. The ladies went there with babies in their arms to offer *Satyagraha.* This news has been blackout completely by the Caste Hindu Papers in Lucknow. In this clash two women were injured.

Mr. Rajbhoj addresses the *Satyagrahis*

April 17th, 1947

The *Satyagraha* of the Scheduled Castes Federation of the U. P. entered into fourteenth day. One big batch, numbering one hundred, hailed from different districts, i.e. Jhansi, Agra, Hamirpur, and Lucknow, and 20 women *Satyagrahis,* with babies in their arms, courted arrest. While proceeding towards the Council House, the *Satyagrahis* were detained at Hussainganj and later on they were arrested.

Before the starting of the *Satyagrah,* the *Satyagrahis* were addressed by Mr. P. N. Rajbhoj, the General Secretary of the All India Scheduled Castes Federation at the *Satyagrah* camp in Ahiaganj under the presidentship of Mr. Tilakchand Kureel, the Chairman of the U. P. S. C. Federation. In the course of his

speech, the General Secretary narrated the pathetic and heart-rendering stories of social injustice by the Caste-Hindus under the direct nose of the Caste-Hindu Congress Ministry upon the innocent and the age-long-tyrannised Scheduled Castes people in the Hindu Villages. Quoting the instances of the inhuman tyranny, he told the audience that four people have been burnt in Aligarh district, 12 poor Scheduled Castes men were shot down in Meerut district, a number of houses were set on fire in Hardoi District and Jalwan District. Not a single day passes when these unfortunate Scheduled Castes people were not kicked or killed by the Caste Hindus. Still no M.L.A. of the Untouchables who claimed to represent their own community people did raise any voice in the Assembly. Their tongues have been sealed for ever. How a slave like Untouchable could speak against their tyranny of their own Hindu Masters? Any word from them might deprive them to get a seat in a Brahminic Swarga (Heaven). The number of M.L.A. was twenty. Still there was no voice against the inhuman treatment of Caste Hindus. The other day, the speaker continued, the women demonstrators from the Scheduled Castes were insulted and thrown away by the Hindus Congress Ministry police. A number of them were injured. Still no news appeared in the Caste Hindu paper. No action was taken against the offenders by the higher authorities. No M. L. A. of down trodden community moved any sort of adjournment motion in the Assembly. That was all the result of the "Poona Pact", which gave the joint electorate system in place of the Separate Electorates system to the Scheduled Castes who saved the life of Mr. M. K. Gandhi from his mischievous fast unto death in 1932. Time was a great factor. It would prove the justice before the educated world. Had any Caste. Hindu woman been assaulted by the same police, the Caste Hindu newspapers would have created a great habub and they would have moved the Heaven and the Earth.

The population on the Scheduled Castes people in U. P. was more than 33 percent Scheduled Castes People are represented in no Govt. Services in U. P. No representation in the Executive, Judiciary and in Educational departments. The condition of the

Scheduled Castes in India is worse than the Negroes in America and Jews in Germany and Palastine. The question was not concerned with a few only but it was concerned with crores of Untouchables in India. Concluding his speech he quoted the message of Dr. Ambedkar. He explained to the public that "The Scheduled Castes must resolve that in a Free India of the future they would be a ruling race. They should refuse to continue to play a role of subservience or accept a position in which they could be treated as servants to masters.

Tilakchand And Rajbhoj Arrested

April 18th, 1947

Today the *Satyagraha* was in it's fifteenth day. Mr. Rajbhoj, the General Secretary of the All India Scheduled Castes Federation, courted arrest with seventy five *Satyagrahis* hailed from Agra, Aligarh, Cawnpur, Tundala and Lucknow. The arrest of the chief Dictator Mr. Tilakchand Kuriel last night by the Government at *Satyagrah* camp encouraged the Scheduled Castes people in Lucknow and in the whole of the province. Hundreds are pouring into Lucknow to court arrest before the Council house. Even the ladies are not lagging behind the male *Satyagrahis*. There are instances where the Untouchable mothers are sending their sons, the sisters, are sending their brothers to court arrest.

Before the arrest Mr. Rajbhoj appointed Badalooram Sonkar from Cawnpur as the 2nd dictator of the *Satyagrah* of the U. P. in Lucknow.

Prior to his departure for courting arrest before the Council House, he gave the following message to the Scheduled Castes of the U. P. in particular and all over India in general.

"I may say that the treatment of the Australian Bushman by the colonisers that of the Negroes by the klu klux klan and of the Jows by the Nazis is less heinous than the sufferings of the Scheduled Castes who were subjected to in the name of religion caste and the like by the Hindus. It is nothing but a slow poisoning to us.

Is the lesson now clear to, us that for everything in the future we must depend on our own strength, resources and courage ? We have to fight our battles single handed; often times it may be a case of the Scheduled Castes versus the Rest. We have asked and asked and it was not given. We have knocked and knocked and was not opened. May be we have to break the doors open and take what we want and what is our due. Thus I foresee very difficult times ahead for our people.

To cope with this we must be united and strong of one mind and of one voice. I appeal to all our brethren, even those who stay away from us, to come together under one roof and to demand with one voice, and to fight together under one banner . . . . . .

But we must organise and unite. Fight on we must, and fight we will, fight every inch of the ground, fight along the line and every one that stands in our way. The present struggle in U. P. is to have the equal human rights in political, social and economic India. I had no idea of participating in the *Satyagraha* of the Scheduled Castes Federation of U. P. The inhuman treatment and insult to our women *Satyagrahis* before the Hindu-Congress Ministry compelled me to participate in this Holy Struggle. Until and unless the revenge of this insult is taken no Scheduled Castes people will sit silently. Now the time has come that under the leadership of the Reverred Dr. Ambedkar either we should die in achieving our final goal or do whatever we can. I appeal to the *Satyagrahis* to remain non-violent in their actions.

In the end I appeal to all the Scheduled Castes Federation branches except the U. P. S. C. F. not to send any batches to Lucknow as this *Satyagraha* will remain only until the present session U. P. Assembly. U. P. S. C. F. is alone strong enough to conduct the *Satyagraha* to the end."

April 19th, 1947

The 16th day of the *Satyagraha.*

Four batches from different parts courted arrest. First and second batches were arrested near Zanda Park and Ameenabad. Third and fourth batches which include four ladies were arrested near Kaisor Baugh. The batches were led by

Messrs Joharilal, Sewaram, Gopichand, Bijipat Ramjee Basti. The 'Harijan' Minister Mr. Girdharilal accompanied by the City Magistrate persuaded the *Satyagrahis* to stop *Satyagraha* but soon came to know what little respect he could command from his community people."[1]

S. C. Satyagraha Continues in U. P.

April 21st, 1947

Today the *Satyagraha* entered into 27th day. Upto this time 1285 *Satyagrahis* have been arrested. The *Satyagrahis* are pouring from different districts of the Province. Agra, Aligarh, and Cawnpore are laeding.

The first batch of 35 led by Mr. Kesarlal from Agra were arrested near the Chauk bazar. This batch includes 17 ladies also. When the *Satyagrahis* reached the Chauk Bajar, Police whose number was more than the *Satyagrahis,* made a lathi charge upon the non-voilent and peaceful *Satyagrahis,* as a result of which the Dictator Mr. Kesar Lal along with his daughter was seriously injured. One other *Satyagrahi* namely Mr. Baboolal also received serious injuries upon his head. He fell on the ground and became unconcious. The police removed him in that condition to the police station nearby. 2nd batch of 46 led by Sarvadanandji were arrested near the Kaisarbagh. Third and Fourth of 25 each were arrested near Aminabad. These batches were led by Mr. Rajaram and Ramjilal. Fifth batch of 23 were arrested near Lotuche Road. This was led by Mr. Walchandji from Agra.

There is a great resentment about the police lathi-charge amongst the Scheduled Castes people.

The news about the bad treatment and keeping Mr. Rajbhoj, the General Secretary of All India Scheduled Castes Federation, Mr. Tilakchand Kuriel the President of the U. P. Scheduled Castes Federation and other leaders like Mr. Gopichand from Agra and

[1] : Jai Bheem, 27 April 1947, P. 1 and 7.

Mr. Fullidas from Cawnpur, in C Class is causing provocation and resentment amongst the Untouchables of the Province. The Untouchables are now imagining the future Ramrajya in which they will be real slaves of the Caste Hindus.

April 22nd, 1947

Today there was a great commotion amongst the Scheduled Castes due to the lathi-charge of the Police on previous day near Chauk. The Assembly was reopened today after three day's adjournment. Instead of demonstrating in the city the Scheduled Castes *Satyagrahis* demonstrated before the Council House. The first batch of 30 including 7 ladies, led by Mr. Jodharam from Cawnpore were arrsted while on the way. The second batch of 32 of Agra led by Swami Harinandji were arrested before the Council House. Third batch of 40 including 4 women *Satyagrahis* were arrested near Hajaratganj. The main slogans of the *Satyagrahis* were the following :—

1. Down with the Caste Hindu-Congress !
2. Down with the Begar system !
3. Do or die, must have the Separate Electorates !
4. Down with the Pant Ministry !
5. Down with the 'Harijan M. L. A.s of the U. P. Assembly'!

It is very strange that the important news of our *Satyagraha* movement is not published by the Caste Hindu press. The statement issued by the General Secretary of All India Scheduled Castes Federation Mr. Rajbhoj, before his arrest, was also not published. All the leaders are kept in the C class. They are not allowed to read the news papers even. Let the Caste Hindu papers understand that by not publishing the news in their newspapers they cannot cow down the spirit of the Scheduled Castes. By doing in this way they are only cheating themselves and their own people. The day is reaching very fast when the common Hindu will be thrown into a great confusion to see the great bitter awakening of the Scheduled Castes people all over India.

The total number of arrests upto date is 1387 . Today the number of arrests was 102."[1]

U. P. S. C. F. Satyagaha

Mr. P. N. Rajbhoj Sentenced for 6 months R. I.

Lucknow, Saturday

Mr. P. N. Rajbhoj, Ganeral Secretary of the All India Scheduled Castes' Federation was convicted and sentenced yesterday to six months' imprisonment by the City Magistrate, Mr. B. D. Sanwal, under Section 138 IPC for defying the District Magistrate's order banning processions and causing apprehension of breach of peace.

Mr. Gopichand Pipal,

another Scheduled Caste Leader was sentenced to * months rigorous imprisonment on a similar charge.

Mr, Tilak Chand Kuril, President of the U. P. Scheduled Castes Federation, was directed by the Magistrate to furnish two sureties of rupees five hundred each to keep peace for six months.

"The Magistrate acquitted about sixty women and children who had been arrested in connection with the *Satyagraha* in Lucknow with a warning.—A.P.I."[2]

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[1]: Jai Bheem, 4th May 1947, P. 2.

[2]: Jai Bheem, 25th May 1947, P. 2.

* Figure is not traceable—Editors.

APPENDIX—VI

GANDHI DIS-FRANCHISED UNTOUCHABLES BY FORCING POONA PACT

BRITISH LEADERS SCATHING CRITICISM OF GANDHIAN TACTICS

Lord Winterton, speaking on the Scheduled Castes, status during the course of the debate on July 16th on *India Independence Bill* in the House of Commons said that one of the many evil things Mr. Gandhi had done to India was what he had succeeded in bringing about by the Poona Pact. Had it not been for his action, these people would have enjoyed a much better franchise than they did today, but Mr. Gandhi threatened to fast to death. If he again threatened to fast to death after the transfer, it would not be the affair of the Brithish Government.

It had been said that Britain left India a cockpit. Few people had done more than Mr. Gandhi to make it a cockpit, and he regretted that at this late hour Mr. Gandhi had shown no appreciation of the task which had been achieved by the British on the one hand, and Mr. Jinnah and Mr. Nehru on the other.

Another Prominent Conservative Leader Mr. Bucher who spoke on the problem of minorities in India observed,

"Scant attention has been given to minorties, especially in the Committee stage. It is virtually impossible to raise their case, Indeed it is very difficult to do so because this House is today deciding to transfer sovereignty, and power to Indians themselves.

"We are also deciding that independence shall take place before the actual Constitution making. That means that the Constituent Assemblies have it in their power to make the Constitution under which the minorities will have to live.

Dr. Ambedkar, leader of the Scheduled Classes, who has himself served the cause of self Government, has told me that it would be helpful if some reference could be made to his community.

"I, therefore, say I trust that when the new constitution is made full consideration will be given to the position of the Scheduled Classes themselves.

"It is sometimes said that Britain has not done enough for them. It is well known that Queen Victoria's original proclamation about our not interferring too much with the religion, and habits of the people has prevented the British from doing as much as they might desire.

"But in later years, by a variety of devices, we have attempted to improve these Scheduled Classes and mitigate the horrors of Untouchability.

"The Franchise Committee recommended an electorate which would have given the Schedule Classes an opportunity of looking after their own affairs.

Poona Pact

"Unfortunately the decisions of the Franchise Committee were abrogated by the Poona Pact, produced by one of Mr. Gandhi's longest fasts.

"I cannot now influence the decision of the Constitution making body, but it is quite clear that under the Poona Pact the Scheduled Castes did not get a chance of electing their ultimate representatives who would really represent their point of view.

"I hope that in part, or parts of India it may be possible to find an electoral system which will be more suitable for them."

After referring to other minorities, Mr. Butler said : "We trust that in the future India, the minorities, and the Europeans who stay there will find free, and fair opportunity, and happiness under the regime.

"But there are many other sections of opinion—minorities among the Muslims, cultivators who do not mix in the political life, and have not shouted or taken part in politics, but whose views are sometimes not quite the same as those who steal the thunder and appear before the footlights.

SOLICITUDE FOR PEOPLE

"At the inauguration of the Round Table Conference in the Royal Gallery of the House of Lords on November 12, 1933 the King's speech contained this passage:

"I have in mind the just claims of majorities and minorities, of men and women, of town dwellers and tillers of the soil, of landlords and tenants, of the strong and the weak, the rich and the poor, races, castes and creeds of which the body politics is composed. For these things I care deeply."

"For these people and these things," Mr. Butler concluded, "we care deeply. They are passing out of our immediate care. We are moved on this occasion and we wish those well who are assuming the Government and responsibility for the welfare of the Indian people."[1]

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[1]: Jai Bheem, dated 23rd July 1947.

APPENDIX—VII

UNDER-PRIVILIGED IN INDIA SOLD TO OPPRESSORS

CABINET PLAN EXPOSED IN COMMONS DEBATE

During his speech in the debate Mr. Churchill referred to the British Government's statement after the recent London talks and said:

"That, declaration appears to me to be the most important milestone in this long journey.

"The British Government owed special protection to the Muslims numbering 90,000,000 who comprised the majority of the fighting elements of India, and the Untouchables of anything from 40,000,000 to 60,000,000. They had been out witted and outmanoeuvred on this question. The pretence was put forward that they were a small part of the vast Hindu community not entitled to be considered as a minority community in Indian life.

"I must ask the Prime Minister to state the Government's view and intentions on this particular point. Are Untouchables to be considered as an entity by themselves entitled to consideration given to entities or are they merely to be used to swell the numerical size of those whom they regard as their oppressors ?"

CONSTITUENT ASSEMBLY

Turning to the character of the Constituent Assembly which, he said, was apparently to proceed to make a Republic for India and engage upon it at once. Mr. Churchill said, "They are dealing with the fortunes of all Indians, while a large part is not even to be represented."

Mr. William Cove (Labour) interjected : Is Mr. Churchill in favour of extending the franchise ?

Mr. Churchill : "Yes, Certainly" Mr. Cove laughs "I have always been in favour of extending the franchise. I believe in the will of the people. But I do not believe in perversion of the will of the people—actively organised and engineered minorities who having seized upon power by force or fraud or chicanery go forward and use that power in the name of vast masses with whom they have long lost all effective connection.

"But the Cabinet Mission's proposal of May for the setting up of the Constituent Assembly was essentially a proposal that the main political parties of India should meet and through their representatives endeavour to work out the proposed constitution."

Mr. Churchill, continuing, said, "It is still pertinent to inquire if His majesty's Government consider that their proposed conference of the Constituent Assembly has begun."

He added, "I feel bound to end on a positive conclusion although I will express it rather in terms of negation." (Government laughter).

"In all this confusion, uncertainty and gathering storm which those who have studied the Indian problem for long years might well have foreseen, there appear at the present time three choices—three proverbial choices—before the British Parliament.

"The first is to proceed with ruthless logic to quit India regardless of what may happen there. The second is failing a measure of agreement not now in sight, an impartial administration appointed by Parliament should be set up to maintain the fundamental guarantees of life, liberty and the pursuit of happiness to the hundreds of millions of humble folk who now stand in jeopardy, bewilderment and fear. The third course is to let the Indian communities go their separate ways as they desire in or out of the British Commonwealth, whatever happens."

CASTE HINDU DOMINATION

"One thing however there is that we must not do whatever happens: we must not allow British troops or British Officers in the Indian Army to become agencies and instruments of enforcing Caste Hindu domination upon 90,000,000 Muslims and 60,000,000 Untouchables, nor must the prestige or authority of the British power in India even in its sunset be used in partnership on either side of these profound and awful cleavages.

"For such a course to be used to enforce religious and party victory upon minorities of scores of millions would seem to combine the disadvantages of all the policies and lead us ever deeper in tragedy without giving us relief from our burdens, or liberation, however sadly purchased from moral and factual responsibility.

"It is because we feel that these issues should be placed bluntly and plainly before the British and the Indian peoples even amid their present distresses and perplexities that we thought it our bounden duty to ask for this debate." (Loud Opposition cheers).

MR. BUTLER EXPLAINS TORY STAND

Winding up for the opposition, Mr. R. A. Butler, former Under-Secretary of State for India, said that the opportunities he had of meeting Indian Statesmen convinced him that in the work he had done with them there were no statesmen of higher quality in the world. "There is therefore no difference of opinion about the goal we are setting before us. We (the opposition) have always said in the past that self-government for India can be achieved only under a constitution or constitutions framed by Indians to which the main elements in India's national life are consenting parties. That has been our first stand. Our second stand has been that we can only transfer our ultimate control over India to a Government or Governments capable of exercising it. We cannot hand over India to anarchy or to civi1 war. The Government's last statement on the Indian situation gives evidence of acceptance of the first of these obligations.

Mr. Butler added, "I welcome the Government's last statement and in particular the last part of it that it is not contemplated that any constitution will be forced on unwilling parts of country. I should, however, like clarification on one or two points. The statement refers to a large section of Indian population inhabiting parts of the country. These words are new to those of us who are versed in Indian affairs. Sir Stafford Cripps speaking in the debate used a rather different language, which I maintain is too narrow in its terms and there may be confusion in India if this matter is not cleard up.

"Sir Stafford Cripps said that if the Muslim League cannot be persuaded to come into the Constituent Assembly then parts of the country where they are in a majority cannot be held to be bound by the result, I do not think the Government ought to confine themselves solely to the Muslim League. It is much fairer to use the expression Muslims as a whole and I hope that the Minister replying today will confirm that the original sense prevails and that communities and elements are in question and not simply a League, a party of representative of a community."

Mr. Butler said, the Opposition was not thinking only of the Muslim community, but other minorities whose case had been put in Parliament and would be put again.

"In order that Britain's mission should be well, honourably and successfully discharged it seemed to be essential that a proper understanding should be established between Parliament and the Indian people. There was every reason why all points of view should be put clearly round the table and no facts left unfaced.

Mr. Buttler said that no section of Sir Stafford Cripps speech had been less convincing and more reprehensible than his skating over the manner in which Scheduled Castes representation had been introduced into the Assembly. He had never been able to understand the facile acceptance by the labour movement of the position in which the interests of poorest and most under-privileged section in India had been neglected and sold to their long-time oppressors and he was astonished that the Prime Minister had been able to lend himself to this bargain. The Government ought never to have accepted this positions.

Mr. Alexander (intervening):—Does Mr. Butler realise that in the provincial elections there was a very large proportion of Independent Scheduled Castes elected apart from other two categories he mentions and secondly, that we had to act in the way we did to deal with an urgent situation ?

Mr. Alexander continued, "Franchise is not merely the Poona Pact, but what the Government of 1935 put in the 1935 Act.

"Thirdly, would he suggest that we should go into an entirely new basis of new franchise and India wide compilation of new register and put off for a long time a possible new settlement ? Shall we not face those facts now ?"

SCHEDULED CASTES' REPRESENTATION

Mr. Butler: The first point about Independent members is certainly correct. From all opinions I have been able to gather in investigating this point, there is no doubt that the Scheduled Castes have been so terrorised by Congress discipline that many of them have decided to stand as Independents rather than take the label of the Congress.

Mr. Butler said that he did not think it right that the Scheduled Castes should be represented in the Assembly by representatives of the Congress. The Government were reposing most of their confidence for obtaining justice for the minorities on the Advisory Committee and he asked if the Committee's decisions about minorities would be embodied in the Constitution.

If a spirit of compromise and give and take was absent in India, the Government would be faced with a very serious situation but he trusted that if there was a breakdown, the Government would give a further lead. If a new initiative proved necessary, it would have to be towards simplification of the scheme and a clearer acknowledgment of British responsibilities in the period before a successful issue of the negotiations, there was still a chance of orderly solution, but it depended upon how determined the Government was and would be and how clearly it saw the dangers of the situation. "We cannot, at the moment, shuffle off our obligations. They remain and upon their adequate discharge, depends the future happiness of the Indian people," Mr. Butler concluded.

MR. ALEXANDER'S REPLY TO DEBATE

Mr. A. V. Alexander, Minister designate of Defence, replying to the debate, said, it was taking place in the most crucial hour in the history of India and its people, as well as the British Commonwealth. He asked responsible leaders of all parties in India to take note that the great majority of the speakers in the debate desired nothing more than that India should achieve her freedom on the basis of the good-will and co-operation of all concerned.

Replying to Mr. Churchill's question whether it was the Government's policy for the Depressed Classes to be treated as a separate political entity, Mr. Alexander said that in the Act of 1935 the Depressed Classes were treated as a separate political entity and whether or not any separation of that kind should be given to them in the new Assembly was a matter for the Constituent Assembly. The Government, he declared, did not consider it desirable or in the interests of the Depressed Classes that they should attempt to influence the Assembly in that matter. Their view was that provisions in the Constitution were the right methods for providing safeguards over the rights of minority elements.

He reminded the House of what the Cabinet Mission said namely that when the Constituent Assembly completed their labours the British Government would recommend to Parliament to take necessary action to enable the new Constitution to come into operation subject to two matters. One of them was adequate provision for the protection of minorities. Both the major parties had declared their intention of making proper provision for protection in the Constitution and the Government saw no reason to doubt that the Constituent Assembly would do so.

Mr. Alexander said that he agreed with Mr. Hugh Molson (Conservative) that it was the Government's intention that protection of minorities must be provided for in the Constitution. He added : "I understand that Dr. Ambedkar argued strongly for that during the Cripps Mission. In the last paragraph of our statement last week we made it clear we would not contemplate forcing upon an unwilling community anything they did not want. The Congress itself accepts that. In our statement of May 25 we have agreed to leave Constitution making to Indians provided we get proper protection for minorities. We want that in the Constitution. We shall adhere to our pledges to the Indian people."[1]

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1. : Jai Bheem, dated 1st January 1947.

APPENDIX—VIII

SECRET

1934/34 S. B.
Memo No.
39-Bihar-37*

THE BIHAR PROVINCIAL DEPRESSED CLASSES LEAGUE

It is learnt confidentially that Jagjiwan Ram, B. Sc. President, Bihar Prov. Depressed Classes League, Patna has sent a letter, dated 8th March 1937 to Dr. B. R. Ambedkar, Bar-at-Law, Rajgraha, Dadar, Bombay. The contents of which are given below :—

"Unite And Organise"

Bankipur, Patna, the 8th March 1937.

No. 41

My dear Doctor Saheb,

I have your kind letter of the 3rd instant. If your brochure on caste has run out, kindly send one copy of it so that I may commence its translation.

As desired by you, I am sending a list of candidates who contested the election. I must admit that we made a pact with the Congress and as a result of the pact 9 persons of the League have been returned. They have signed the League pledge and also the Congress pledge with certain reservations. Perhaps you know that here in Bihar there is no organised party except the Congress. The minister of Local Self-Government *i.e.* Sir Ganesh Dutt Singh was trying to have his party but he could not organise it. We made the pact with the Congress at the eleventh hour *i.e.* on the 29th October 1936 and the nomination papers were to be filed by the 3rd November 1936. We the Depressed Classes have begun our movement very late here and have got little organisation. But the experience we have gained in the recent election goes to show that if we carry on our work for the coming

* BIHAR C I. Department Special Branch, Patna, dated the 10 March 1937. Copy of a Special Officer's report, dated 9th March 1937.

5 years, we can very well contest independently in the next election and with success.

You know Mr. Baldeo Prasad Jaiswal of Allahabad. He has come to Patna and wants to hold an All-India conference. Here it has been given in papers by him that the conference will be presided over by Diwan Bahadur Srinivasan and that you will attend the conference. I do not know the truth nor can I believe the man. Last year a conference was held at Lucknow and Mr. Jaiswal was the moving figure in convening the conference. I went all the way to Lucknow simply to see you but was greatly disappointed. Now he is seeking my help but openly I cannot help him and cannot give him any help in any way unless I know that you will attend the conference. This conference is to be held on the 9th, 10th and 11th April 1937. No person of Bihar is with him. He has his office located in a Catholic Church here and everything is being manoeuvred by missionaries.

The W. C. of the Depressed Classes League has decided to call a Provincial conference at Patna between 15th April and 15th May 1937 and it has also decided to invite you. But in case you are coming to attend the conference of Mr. Jaiswal, which I doubt, we will fix the date of our conference near about 12th April. Will you let me know as soon as you get this letter whether you will attend the conference convened by Mr. Jaiswal. One thing, he will not be able to have a gathering of more than one hundred Depressed Classes. He can, of course, invite thousands of Muhammamidans and Christians as he did at Lucknow. I take strong objection of this method. We should have genuine Depressed Classes conferences. Let me hear from you very early.

With regards.

Yours sincerely,
(Sd.) JAGJIWAN RAM.

List of Candidates who contested the election to Bihar Provincial Legislative Assembly

	Name and address	Ticket	Votes polled
1.	Jagjiwan Ram, Chandwa Arrah	D.C. League Congress	Uncontested
2.	Rambasawan Rabidas, Gopalganj, Saran	”	”
3.	Balgovind Bhagat, Bettiah, Champaran.	”	”
4.	Sheonandan Ram, V. Mansurpur, Champaran, P. O. Marwan, Dist. Muzaffarpur.	”	”
5.	Dr. Raghunandan,Pd., Sardar Hospital, Monghyr.	”	”
6.	Karu Ram, Teacher, St. Columbus Collegiate, Hazaribagh	”	”
7.	Ram Baras Das (Barsu Chamar) village Belthu, P. O. Shahkund, Dist. Bhagalpur.	”	754
8.	Mahabir Das Laluchak, P. O. Mirjanhat.	Ministerial	1,700
9	Bishuncharan Das Rabidas, Co-operative Society, Dist. Manbhum.	Purullia League Congress	1,964
	Versus		
	Gulu Dhoba, Village Mamurjore	Ministerial	2,300
10.	Jituram, Village Bansdih, P. O. Leshiganj, Dist Palamau.	League Congress	2,744
	Versus		
	Phaguni Ram, Clerk. Dist Board, Daltanganj, Dist Palamau.	Ministerial	532

List of Candidates who contested the election to Bihar Provincial Legislative Assembly—Contd.

	Name and address	Ticket	Votes polled
11.	Ram Prasad, General Secretary, D.C. League, Patna	League Congress	1,473
	Versus		
	Kalar Dusadh	Ministerial ..	511
12.	Sunder Pasi, Village Kesta, P.O. Dalsingsarai, Dist. Darbhanga.	Congress	Uncontested
13.	Keshwar Paswan, Village Bihta, P.O. Benipatty, Dist, Gaya.	”	”
14.	Sukhari Pasi, Chakand P.O. Dist, Gaya	”	”
15.	Bundi Pasi, P.O. Warsaliganj Dist, Gaya	”	3,555
	Versus		
	Dalip Dusadh	Ministerial ..	487
16.	Jaglal Choudhury, Swaraj Ashram, P.O. Ticcapatty Purnea.	Congress	4,789
	Versus		
	Jagtup Masuhar	Ministerial ..	1,769

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APPENDIX—IX

WHAT ABOUT THE STATES ?

"Dr. B. R. Ambedkar has given a timely warning to both the Indian States and the Interim Government. The States cannot have an existence apart from the Indian Union.

As a Constitutionalist, Dr. Ambedkar speaks with authority, when he asks the Interim Government to notify the British Government that the people of India will never recognise any Indian State as a Sovereign Independent State.

But something more than the letter of the law is necessary to restrain the States rulers from their folly and their peoples from its consequences.

What are the sanctions of the Interim Government in regard to a definite States policy ? The sanctions are fourfold : The will of the Indian people, the will of the States people, the prevailing influence of Democracy and the blind autocracy of the rulers.

It is a fact that not all rulers are against Democracy but then these rulers are for the Union.

Sir C. P. Ramaswami Aiyer grandiloquently said, "They that are not with us, are against us."

This should be the guiding rule of the Indian Union.

Sir C. P. Ramaswami's attitude, however, is transitory. He is himself a traveller through Travancore. He may stay a year, two years or five. But he must go. His claim to speak on behalf of Travancore is very slender. The matured wisdom of the Maharaja of Cochin is bound to carry weight with the sister State of Travancore, sooner rather than later.

More serious is the menace of Hyderabad, sprawling in the very centre of India, where no passing Premier but the ruling Prince himself bars the entrance into the Union.

The Nizam, let it not be forgotten, repudiates all the claims of Democracy. Even the representative institutions he has set up in his Dominions are a negation of Democracy. The legislature is vitiated by functional representation tainted with rank communalism. The Chief Minister is appointed and removed by the authority and at the whim of His Exalted Highness.

These things have been slurred over in the past. In the immediate future, there are so many obstacles in the path of the people of Hyderabad to the Indian Union.

The Congress leaders have expressed themselves adequately and more than adequately on the States position. There is no purpose served by banding words with this or that dewan.

They must address themselves to the task of implementing their words with strong, resolute action. The Indian States are part and parcel of India. The Union cannot permit them to exist within it as islands of isolation.

The people of the Indian States have declared themselves for the union. That decision must be given effect to immediately. There is no need to rely on either the British Viceroy or on the Princes for bringing about the re-union. In fact, it would be confusion of weakness if, in the face of so strong a case, the Congress leaders, felt that they needed to be helped to estabish their authority.

When the Consituent Assembly meets, it will have the bulk of the Indian States in it. This is an outstanding feature since the Chamber of Princes came into being, as it divides for the first time the Indian States, often miscalled the Princely Order, into those who are with the Indian Union and those who are against.

The Congress leaders and other nationalists must build upon that gain and develop enough strength to deal with recalcitrant Princes.

The need for swift action is there now that the Pakistan State is looming large on the horizon. Mr. Jinnah certainly does not let the grass grow under his feet nor does he allow it under the feet of others.

Mr. Jinnah's statement on the Sovereignty of the Indian States is a piece of gratuitous meddling.

Mr. Jinnah asked for his Pakistan State and he has got it. After that he has no more right to speak on the affairs of the Indian Union than has any other foreign ruler.

His attempt to stir up trouble in the Indian States is not an isolated instance of the *Quaid-e-Azam's* hankering after the status of an all India leader. He has according to one of his followers supported the cause of *Moplastan* on what grounds he only knows.

Mr. Jinnah speaks as an expert on Constitutional affairs. He would be well advised if he kept his special knowledge for the many Constitutional knots which need unravelling in the Pakistan Constituent Assembly.

Mr. Jinnah has to make up his mind. Either he functions as the prospective head of the Pakistan State or he assumes responsibility for working in the Union.

It is not as though Mr. Jinnah was given a charter to meddle in things that did not concern him. His party's unwillingness to stay in the Union has won it separation. It cannot now start sowing seeds of trouble in the rest of India.

The Congress must act *betimes*. The time for speeches will come later. The present position is bad enough in all conscience. It would be tragic if the Congress wakes up to discover that its over-optimism has added to its worries." [1]

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1. : The Free Press Journal, dated 5th June 1947.

APPENDIX—X

AMBEDKAR URGES STATES TO JOIN INDIAN UNION

Says Hyderabad move will lead to Balkanisation

Bombay, June 17, 1947 (A.P.I.)

"The only way by which the Indian States can free themselves from Paramountcy is by bringing about a merger of sovereignty or Suzerainty. This can happen only when the Indian States join the Indian Union as Constituent units, says Dr. B. R. Ambedkar former member of the Viceroy Executive Council and leading Constitution Lawyer in a two thousand words statement opposing the declaration of dependence by certain Indian States.

Dr. Ambedkar declares, 'The States should realise that their existence as Sovereign States will not be worth five years purchase. It is in the interests of the Princes themselves that they should join the Indian Union and become Constitutional monarchs.

To be independent and to hope to get recognition and protection from the United Nations Organisation, says Dr. Ambedkar, "is to live in one's own paradise." Dr. Ambedkar doubts if the United Nations Organisation will give recognition to the Indian States, ignoring the claim by India of Suzerainty over them.

But even if that happens Dr. Ambedkar affirms, the United Nations Organisation will never grant any assistance to an Indian State against external aggression or internal commotion without insisting upon the States first introducing responsible Government.

Dr. Ambedkar in conclusion says, "whatever the choice of the Indian States may be, the duty of the people of India is clear. On their behalf the Interim Government should notify His Majesty's Government that the British Parliament has no right to pass any law abrogating Paramountcy and that any clause to that effect in the forthcoming legislation, conferring Dominion Status on India, should be treated by the people of India as repugnant to their Sovereignty and, therefore, null and void, and to declare that the Government of India will never recognise any Indian State as a Sovereign Independent States."

In the course of the statement Dr. Ambedkar observes :

The announcement by Travancore and Hyderabad that they will declare themselves Independent Sovereign States on 15th August 1947, when India becomes a Dominion and the inclination shown by other States to follow their example has created a new problem which may trun out to be worse than the Hindu-Muslim problem as it is sure to result in the further Balkanization of India.

Basis of Claim

The basis of the claim made by the States for a right to declare themselves Independent lies in the statement of 12th May 1946 issued by the Cabinet Mission in which they say that the British Government could not and will not in any circumstances transfer Paramountcy to an Indian Government which means that the rights of the States which follow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the Paramount power will return to the States.

The statement of the Cabinet Mission that the Crown could not transfer Paramountcy is obviously not a statement of political policy. It is statement of law the question is : Is this a correct statement of the Law as it applied to the States ?

"There is nothing original in the proposition set out by the Cabinet Mission. It is a mere repetition of the view propounded by the Butler Committee appointed in 1929 to examine the relationship between the Crown and the Indian States."

The doctrine that Paramountcy cannot be transferred to an Indian Government is a most mischievous doctrine and is based upon an utter misunderstanding of the issues involved.

Paramountcy Defined

The case against the position taken by the Cabinet Mission in regard to Paramountcy can be stated in the following propositions :

(I) Much of the mystery which surrounds paramountcy is due to the fact that most people do not understand what it stands for. Paramountcy merely is another name for what is called the

prerogative of the Crown. It is true that Paramountcy as a prerogative of the Crown differs from the ordinary preogative of the Crown in two respects :

(*a*) The basis of the ordinary prerogative of the Crown lies in Common Law as distinguished from Statute Law while the basis of the prerogative arising from Paramountcy lies in treaties supplemented by usage.

(*b*) The Common Law prerogative of the Crown extends to all the Subjects of the Crown resident in the King's dominions and over aliens temporarily resident therein while Paramountcy as a prerogative extends only over the Indian States. Paramountcy is no doubt a distinct part of the prerogative of the Crown. Notwithstanding these differences the fact remains that Paramountcy is prerogative of the Crown.

(II) Paramountcy being the prerogative of the King, the exercise of Paramountcy is, contrary to the general opinion, not subject to the rules of international law but is subject to that part of the municipal law of the British Empire which is called the Law of the Constitution.

(III) According to the principle of the Constitutional Law of the British Empire while the prerogative vests in the King, the King has no discretion in the exercise of his prerogative. The King cannot exercise it independently of the advice of his Ministers. He can exercise it only in accordance with the advice given to him by the Ministers.

Transfer of Paramountcy

"The different methods of disposing of Paramountcy adopted in the various acts passed by Parliament relating to the Government of India between 1833 to 1935 do not and cannot in any way affect the claim of the Indian people to advise the Crown in the exercise of Paramountcy. Under the Constitutional Law of the Empire, only when a country has become a Dominion that it can claim the

right to advise the Crown, and the fact that before it became a Dominion, the Crown was differently advised is no bar to its claim. Under the 1935 Act India was not granted responsible Government.

There remains for consideration the other part of their statement in which they say that the Crown will not transfer Paramountcy to an Indian Government. According to the Cabinet Mission, Paramountcy will lapse. This is a most astounding statement and runs contrary to another well established principle of the Constitutional Law. According to this principle, the King cannot surrender or abandon his prerogative rights. If the Crown cannot transfer Paramountcy the Crown cannot also abandon it.....

A question may be asked : What happens when India becomes independent ? The Crown disappears and the question of advising the Crown does not remain. Can Independent India claim to inherit the prerogative rights of the Crown ? For an answer to this question, one must look to the provisions of international law relating to Succession among States. Oppenheim admits that a Succeeding State can inherit certain rights of the Preceding State. From Hall's international law, it would appear that among other things property and advantages secured to it by treaty can be inherited by a Succession State. India will be a Succession State. Paramountcy is an advantage which is secured to it by treaty with the Princes. Independent India can therefore make a valid claim for the inheritance of Paramountcy."[1]

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1. : The Bombay Chronicle, dated 18th June 1947.

APPENDIX—XI

ACTIVITIES OF THE BAHISHKRIT HITAKARINI SABHA AT BOMBAY

I

"BAHISHKRIT HITAKARINI SABHA

Survey of Work Done

The annual general meeting of the *Bahishkrit Hitakarini Sabha* which is a Society for the uplift of the Depressed Classes, was held at its head office in the Damodar Thackersey Hall, Parel, Bombay, on 18th instant. The report of the work for the year 1925 disclosed that the work of the Sabha was threefold. In the matter of the education of the Depressed Classes the Sabha has been conducting a Hostel near Sholapur for 15 Students of the Depressed Classes taking secondary education, at a total cost of Rs. 2,669-0-8. Accommodation in the hostel is entirely free. In the first year of its existence the *Sabha* could not do much for the cultural and economic uplift of the Depressed Classes. However, the *Sabha* helped the Mahars of the villages in Nasik District to obtain redress of their grievances in *Watandari* matters. The financial statement for the year disclosed an income of Rs. 3,169-1-0 and expenditure of Rs. 2,938-13-6.

The Work Done

The Sabha has opened a library and reading room for the Depressed Classes in the Improvement Trust Chawl, Byculla. It has also organised a hockey club for young men of the Depressed Classes near Parel. An important organisation of students of the Depressed Classes known as the *Bahishkrit Vidyarthi Sammelan* has been organised by the *Sabha.* It is a kind of Depressed Classes Students' Brotherhood and it is conducting a Marathi monthly styled *Vidya Vilas* to which students of the Depressed Classes contribute articles. In the economic sphere, the *Sabha* has organised three co-operative credit societies for the Depressed Classes. The cost of the programme for the year 1926 is expected to reach Rs. 25,000 to Rs. 30,000.—A. P.

P. S. G.'s Office notes on a memorial from the Depressed Classes Institute. P. P. Case No. 34/6 of 1926 are put up below :—

Attention is specially invited to the portion marked A. in H. E.'s reply to the deputation at slip D.

(Sd.) M.C.B.

There are two requests made in this letter—

(1) That the Institute should be consulted by Government in all matters affecting the Depressed Classes in view of its being the central organisation.

(2) That H. E. may be pleased to become an Honorary patron of the Institute.

These requests may perhaps be referred to the Chief Secretary for his advice.

(Sd.) J. C. K.
1st July"[1]

II

"Below U. O. R. No.
Dated the 26th July 1926 read on 27th instant
from the General Department.

C.I.D.

27th July 1926

(1) Is the constitution of the Sabha laid down ? If so put up a copy.

(2) How many of the office bearers belong to the Depressed Classes ?

(3) What is the subscription and membership ?

(4) Please see the library at Clarke Road and report on the quantity and type of literature provided and to what extent it is being used by the Depressed Classes. Is it open to all or only to members of the Sabha ?

(5) Has the Sabha carried out any of its programme for the current year ?

(Sd.)"[2]

1: The Bombay Chronicle, 29th April 1926.

2: Source Material Vol. 1, P. 10.

III

"Sir,

With reference to the attached U.O.R. No. dated 26th July 1926 from the General Department and the D. C. P.'s instructions thereon, I beg to report as follows :—

1. The constitution of the Bahishkrit Hitkarani Sabha has been laid down in a printed booklet. Copy of which is attached.

2. The President and the six Vice-Presidents (flagged at B in the Annual Report) do not belong to the Depressed Classes. The Council of Management with Dr. Ambedkar as Chairman, consists of Depressed Classes.

3. Subscription is :—

A Class of those paying Rs. 25 per year or more.

B Class of those paying Rs. 10 per year or more.

C Class of those paying Rs. 5 per year or more.

D Class of those paying Rs. 3 per year or more.

E Class of those paying Re. 1 per year or more.

The membership mostly of the E Class is numbered at about 200. There are about 10 Associate Members who had paid Rs. 200 for the welfare of the Depressed Classes. They belong to the contractors' class but not the Depressed Class.

4. The Library at Clarke Road was opened about 4 months ago in a small room rented at Rs. 7-3-0 on the second floor of a chawl of the Bombay Improvement Trust at Clarke Road. It was a very dirty room with one broken bench, one broken cupboard containing no books, one table and one chair. On the table there were a few rags of old newspapers in a distorted condition. They had about 64 books, mostly Marathi books; some of them were issued to members and the others were kept in the two trunks belonging to the Social Service League.

The Social Service League has supplied 200 books kept in steel trunks each containing about 100 books. The library consists of books which are mostly social and religious but there are also some books in Marathi on *Swaraj* (political). About 10 to 12 members of the Depressed Classes come to the Library room on an average daily. It is open to all but others than the Depressed Classes do not

generally come to a place inhabited by the Depressed Classes. In short if any outsider were to visit the Library room, he will not notice that the room in question is being used for library purpose without being told so.

5. No noteworthy programme of work has been carried out. A student writes out a small paper and it is circulated to other students in manuscript.

The *Bahishkrit Hitkarani Sabha* was registered on 1st April 1926.

The P. Ps. re. the Sabha on record are put up.

D.C. P., S.B.
(Sd.)" [1]

9th August 1926,

"Returned with compliments.

2. This Sabha was the subject of my No. H-3447 of 9th March 1926 to the Private Secretary to His Excellency the Governor when it applied for permission to present an address to Lord Irwin on arrival.

3. A copy of the "rules of constitution" is attached. The membership of the Sabha is roughly 200 of whom all except about 10 belong to the E class. The so-called library is a room on the second floor of an Improvement Trust Chawl in Clarke Road. The books are mostly supplied by the Social Service League. A few papers are also supplied and the daily attendance averages 10 or 12. It is open to anyone but used almost exclusively by members of the Depressed Classes. The Sabha has practically no other activity to its credit.

4. Thus, though entirely free from objection, it cannot claim to be a representative institution. At the same time there is no other institution better qualified to represent the Depressed Classes and there would be no objection to consulting it if the point of view of the Depressed Classes on some subject were required.

5. Of the office-bearers all those on the Council of Management are members of the Depressed Classes.

(Sd.)

Commissioner of Police." [2]

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[1]: Source Material Vol. 1, Pp. 10-11.

[2]: U. O. R. No. H-3447, dated 11th August 1926.

APPENDIX—XII

PEOPLE'S EDUCATION SOCIETIE'S INSTITUTIONS AT BOMBAY, NEW BOMBAY, AURANGABAD, MAHAD, PANDHARPUR, DAPOLI, NANDED, PUNE AND BANGLORE

Colleges

1.	Siddharth College of Arts, Science & Commerce, Bombay.	:	1946
2.	Milind College of Arts, Aurangabad	:	1950
3.	Milind College of Science, Aurangabad	:	1950
4.	Siddharth College of Arts, Science & Commerce, Bombay.	:	1953
5.	Siddharth College of Law, Bombay.	:	1956
6.	Dr. Babasaheb Ambedkar College of Arts & Commerce, Aurangabad.	:	1963
7.	Dr. Babasaheb Ambedkar College of Arts, Science & Commerce, Mahad, Dist. Riagad.	:	1963
8.	Dr. Ambedkar College of Law, Aurangabad	:	1968
9.	Dr. Ambedkar College of Commerce & Economics, Wadala, Bombay.	:	1971
10.	Dr. Ambedkar College of Law, Wadala, Bombay.	:	1978
11.	PES College of Physical Education, Aurangabad.	:	1984
12.	Dr. Ambedkar College of Arts & Commerce, Yerwada, Pune.	:	1985
13.	PES English Medium School, Yerwada, Pune.	:	1985
14.	PES College of Engineering, Aurangabad.	:	19

Diploma Institute

15.	Siddharth Institute of Industry & Administration, Mumbai.	:	1967

High Schools

16.	Siddharth Night High School, Mumbai.	:	1947
17.	Milind Multipurpose High School, Aurangabad.	:	1955
18.	Matoshri Ramabai Ambedkar High School, Aurangabad.	:	1965
19.	PES's Secondary School & Jr. College, Navi Mumbai.	:	1978
20.	Nagsen High School & Jr. College, Nanded	:	1981
21.	Nagsen Vidyalaya Prathmikshala, Nanded	:	1981
22.	People's Education Society's English Medium K. G. School, Banglore.	:	1984
23.	PES's Primary Marathi School, Navi Mumbai.	:	19
24.	Milind Multipurpose Pre-Primary & Primary School, Aurangabad.	:	19
25.	Gautam Vidyalaya, Pandharpur, Dist. Solapur	:	19

Hostels

26.	Sant Gadge Maharaj Chokhamela Vidyarthi Vasatigriha, Pandharpur.	:	1949
27.	Siddharth Vihar Hostel, Wadala, Mumbai.	:	1964
28.	Subhedar Sawadkar Vidyarthi Ashram, Mahad, Dist. Raigad.	:	1978

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APPENDIX—XIII

A LETTER TO H. H. SAYAJIRAO GAIKWAD

New Delhi,
21st May 1946

Your Highness,

I should not ordinarily have ventured to trouble your Highness in a private matter, but the circumstances of the case are exceptional. Dr. Ambedkar has handed over to me the enclosed appeal for financial assistance for a project he has for founding a College in Bombay for the special benefit of the Depressed Classes. As Your Highness is aware, the Depressed Classes have nowhere to turn to for assistance in their desperate condition except to the Hindus of the higher castes ; nor can we entirely turn down such an appeal with grace since we cannot disclaim all responsibility for their present condition. The case is a deserving one, since education is the only effective way of uplifting the Depressed Classes morally and economically. Dr. Ambedkar himself remembers with gratitude all that he owes to the generosity of Your Highness' grandfather, and for this reason feels that he is still bound to Your Royal House by ties of obligation. He does not feel that he can venture to address you direct with a request for assistance, but since, I have the honour of knowing Your Highness personally, I have undertaken to bring this to your notice. The Government of India is giving a grant to the College, and several Princes have also promised donations, but funds are still badly needed to place the project on a proper footing. If Your Highness will very generously assist the scheme with a suitable donation, you will place both Dr. Ambedkar and his unfrotunate community forever in your debt.

Your Sincearely
K. A. Keluskar.

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Rattu Nanak Chand : Little known facets of Dr. Ambedkar. P. 233.

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